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Federal Register

Monday
May 24, 1982

Selected Subjects

Air Pollution Control

Environmental Protection Agency

Aviation Safety

Federal Aviation Administration

Banks, Banking

Federal Deposit Insurance Corporation

Commodity Futures

Commodity Futures Trading Commission

Electric Powerplants

Economic Regulatory Administration

Estate Taxes

Internal Revenue Service

Foreign Assets Control

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Freedom of Information

Federal Deposit Insurance Corporation

Income Taxes

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Loan Programs—Agriculture

Commodity Credit Corporation

Loan Programs—Business

Small Business Administration

National Banks

Comptroller of Currency

Public Lands—Mineral Resources

Land Management Bureau

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Selected Subjects

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Reporting and Recordkeeping Requirements Securities and Exchange Commission

Savings and Loan Associations Federal Home Loan Bank Board

Securities Securities and Exchange Commission

Small Business Small Business Administration

Sunshine Act Pacific Northwest Electric Power and Conservation Planning Council

Water Pollution Control Environmental Protection Agency

Editor's Note:

The list of subjects on the cover is designed to assist those users who review the **Federal Register** for broad subject areas. The list is compiled from subject terms supplied by agencies for certain of their rule and proposed rule documents as required by 1 CFR 18.20. Subject terms in the list may refer to more than one document. To locate the documents in the **Federal Register** covered by the subject terms in the list, users should consult the Table of Contents under the appropriate agency. We remind users that the list is a selective supplement to the Table of Contents and should not be construed as comprehensive.

This list is an experiment. We hope it will prove useful to those users inconvenienced by the discontinuation of the "Highlights" in February because of reduced personnel resources at the Office of the Federal Register. For this new list our editors simply select subject terms from those appearing in the edition's rule and proposed rule documents rather than perform the detailed analytical work which was needed to produce the "Highlights".

Comments on this list may be sent to Martha Girard, Director, Executive Agencies Division (NFE), Office of the Federal Register, NARS/GSA, Washington, D.C. 20408. Phone (202) 523-5240 (not a toll free number).

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Proclamation 4943 of May 20, 1982

The President

Amelia Earhart Day, 1982

By the President of the United States of America

A Proclamation

On May 20, 1932, Amelia Earhart set out from Harbour Grace, Newfoundland, to conquer the air across the Atlantic Ocean. Fifteen hours later, she landed safely in Ireland to become the first woman to pilot an airplane across the Atlantic.

Pioneer aviatrix, adventurer, journalist, and nurse, Amelia Earhart captured the hearts of the American people with her daring exploits. She encouraged the development of commercial aviation, then a fledgling industry, and paved the way for women to enter the field of aviation. She set many speed and altitude records in airplanes and autogiros, the forerunner to the helicopter, and was the first woman to be awarded the Distinguished Flying Cross.

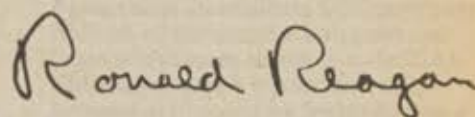
In June 1937, Amelia Earhart attempted the first round-the-world flight near the equator with her co-pilot, Frederick J. Noonan, in a twin-engined Lockheed Electra. On July 2, during their flight from New Guinea to Howland Island in the Central Pacific, trouble developed aboard the aircraft. Radio contact was lost, and no trace of either the plane or its crew was ever found.

Recognizing the great accomplishments of Amelia Earhart, the Congress has by joint resolution (H.J. Res. 412) called upon the President to designate May 20, 1982, as "Amelia Earhart Day" as a tribute to the most daring and celebrated of the pioneer women aviators.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim May 20, 1982, as Amelia Earhart Day.

I call upon Federal, State, and local government agencies and the people of the United States to observe such day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of May, in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and sixth.



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Rules and Regulations

Federal Register

Vol. 47, No. 100

Monday, May 24, 1982

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1421

[Amdt. 3]

Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations 7 CFR 1421.5551 *et seq.*, governing the Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed. This rule would: (1) Require warehousemen desiring to continue their Uniform Grain Storage Agreement (UGSA) and Uniform Rice Storage Agreement (URSA) with Commodity Credit Corporation (CCC), to pay contract fees to CCC in advance of the annual renewal date to partially defray warehouse examinations and administrative costs incurred by CCC in administering the UGSA and URSA; and (2) require warehousemen requesting initial warehouse approval by CCC under the UGSA and URSA to pay contract fees to CCC to partially defray CCC's costs in examining and approving such facility.

EFFECTIVE DATE: July 1, 1982.

FOR FURTHER INFORMATION CONTACT:

Paul W. King or Tyrus Matsuoka, United States Department of Agriculture, Agricultural Stabilization and Conservation Service, Transportation and Storage Division, P.O. Box 2415, Washington, D.C. 20013; (202) 447-7433.

The Final Regulatory Impact Analysis describing the options considered is available from the above named individuals.

SUPPLEMENTARY INFORMATION: The final rule has been reviewed under USDA procedures established in accordance with Secretary's Memorandum 1512-1 and Executive Order 12291, and has been classified "not major." It has been determined that this rule will not result in: (1) An annual effect on the economy of \$100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State or local government, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A-95 was not used to assure that units of local governments are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since CCC is not required by 5 U.S.C. 553 or any other provision of the law to publish a notice of rulemaking with respect to the subject matter of this rule.

The Commodity Credit Corporation Charter Act (15 U.S.C. 714) authorizes CCC to conduct various activities to stabilize, support, and protect farm income and prices. Section 4(h) of the CCC Charter Act provides that the Corporation shall not acquire real property in order to provide storage facilities for agricultural commodities, unless CCC determines that private facilities for the storage of such commodities are inadequate. Further, section 5 of the CCC Charter Act provides that in carrying out the Corporation's purchasing and selling operations, and in the warehousing, transporting, or handling of agricultural commodities, CCC is directed to use, to the maximum extent practicable, the usual and customary channels, facilities, and arrangements of trade and commerce.

Accordingly, CCC has set forth standards of approval which must be met by warehousemen before CCC will enter into storage agreements with such warehousemen for the storage of agricultural commodities which are

owned by CCC or which are serving as collateral for CCC price support loans.

Section 158 of the Omnibus Budget Reconciliation Act of 1981 amended the United States Warehouse Act to require that the Secretary of Agriculture or his designee assess user fees with respect to all warehouse licensed under the United States Warehouse Act. The user fees would be paid by federally licensed warehousemen to the Agricultural Marketing Service (AMS) in order to defray the costs of (1) warehouse examinations; (2) licenses issued to classify, inspect, grade, sample, or weigh agricultural commodities stored; and (3) warehouse licenses issued, amended, modified, extended, or reinstated. Since CCC contracts with federally licensed warehouses in the conduct of its business and thereby benefits from the services under the United States Warehouse Act, it has been determined that CCC should pay a portion of the costs of their services.

The major service of AMS used by CCC is the report of periodic examinations of warehouses under the United States Warehouse Act. CCC, for its own protection, also requires the periodic examinations of warehouses not licensed under the United States Warehouse Act. Under an agreement with AMS, the warehousemen and CCC will together pay the cost representing user fees as mandated by the Omnibus Budget Reconciliation Act of 1981 for those warehouses which are licensed under the United States Warehouse Act and which also have Uniform Grain or Rice Storage Agreements.

CCC now pays a portion of the costs incurred in the examination of warehouses which are performed by States under Federal/State Cooperative Agreements. In addition, CCC now pays AMS all of the examination costs for those warehouses which have UGSA/URSA's but which are not federally licensed or licensed by States having a Federal/State Cooperative Agreement. As a result of the assessment of user fees by AMS, the difference in costs among the three groups of warehouses under contract with CCC, which are specified above, could result in some warehouses withdrawing from the United States Warehouse Act program without any subsequent loss of their ability to remain on the list of CCC approved warehouses. Since CCC now pays 100 percent of the costs of

examining some warehouses operating under the UGSA or URSA, such warehousemen could withdraw from the United States Warehouse Act program and still receive the advantages of AMS examinations with CCC paying the entire cost of such examinations.

Accordingly, a notice of proposed rulemaking was published in the *Federal Register* (46 FR 63075) on December 31, 1981, proposing that effective July 1, 1982, CCC would pay a portion of the total costs of warehouse examinations under the UGSA and the URSA. The remaining cost of examining UGSA and URSA warehouses would be obtained from the collection of contract fees from the warehousemen who are not licensed under the United States Warehouse Act or by States having a Federal/State Cooperative Agreement. Contract fees for UGSA and URSA warehouses would be determined using the same formula as the formula which is used to assess fees for federally licensed warehouses.

This final rule would establish parity between federally licensed warehouses and warehouses approved under the UGSA and URSA and distribute administrative costs more equitably.

A copy of the proposed rule was sent to all warehousemen approved under the UGSA and URSA. Thirty-six (36) responses were received on the proposed rule during the comment period.

One comment was supportive of the proposed rule. This respondent was from the State of Illinois and would not be assessed contract fees since Illinois has a cooperative examination agreement with the Department. Thirty-five comments were received opposing the implementation of contract fees. Their basic objection to the proposed rule and our responses are as follows:

1. *Comment:* The cost of contract fees would have to be passed on to the producer.

Response: We concur that some warehousemen may pass the cost of contract fees on to the depositors storing grain in their facilities. However, the contract fee on a per bushel basis is minimal and the average cost, which is less than one-tenth of a cent per bushel per year, should not present a hardship to any depositor.

2. *Comment:* Country elevators will be forced out of business.

Response: Since the costs of contract fees may be passed on to depositors storing commodities in UGSA and URSA warehouses, we do not feel any warehouseman will be forced out of business.

3. *Comment:* Warehouse examination costs (contract fees) are too high and storage rates too low.

Response: The contract fees were determined in part from actual warehouse examination costs from previous years and will not exceed actual costs incurred by CCC resulting from such examinations. CCC reinstated the Offer Rate System on July 1, 1981, to contract with UGSA and URSA warehousemen. Under the Offer Rate System, warehousemen determine their own storage and handling rates in accordance with their actual costs of operation.

4. *Comment:* Contract fees should not be based on storage capacity.

Response: No comments were received which set forth an alternative method for computing contract fees other than the method using storage capacity.

5. *Comment:* Contract fees are unfair for approved warehouses that are not storing CCC-owned grain. Lesser fees should be charged for the examination of approved warehouses which are not storing CCC-owned commodities.

Response: Since all warehouses approved under the UGSA and URSA will be examined annually, it would be unfair to assess contract fees only on those warehouses storing CCC-owned grain.

All comments have been taken into consideration and it has been determined that the proposed amendments to the regulations should be adopted as a final rule.

List of Subjects in 7 CFR Part 1421

Grains, Loan programs—agriculture, Price support programs, Surety bonds, Warehouses.

Final Rule

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Accordingly, the regulations at 7 CFR Part 1421 are amended by adding a new § 1421.5558 to read as follows:

§ 1421.5558 Contract fees.

For each warehouse which is neither licensed under the United States Warehouse Act nor licensed by a State having a Federal/State Cooperative Agreement for examination of warehouses for Commodity Credit Corporation:

(a) There shall be charged to and collected from the warehouseman for each warehouse approved under the Uniform Grain Storage Agreement and the Uniform Rice Storage Agreement an annual contract fee in accordance with the schedule in paragraph (c) of this section;

(b) There shall be charged to and collected from the warehouseman for

each warehouse requesting approval under the Uniform Grain Storage Agreement and Uniform Rice Storage Agreement an initial contract fee in accordance with the schedule in paragraph (c) of this section; and

(c) Contract fees collected from warehouses under this section shall be in accordance with the following schedule:

Grain Capacity (bushels)	Annual contract fees (dollars)
1 to 150,000	\$250
150,001 to 250,000	350
250,001 to 500,000	450
500,001 to 750,000	550
750,001 to 1,000,000	650
1,000,001 to 1,200,000	750
1,200,001 to 1,500,000	850
1,500,001 to 2,000,000	950
2,000,001 to 2,500,000	1,050
2,500,001 to 5,000,000	1,150
5,000,001+	1,250

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and c))

Signed at Washington, D.C. on May 17, 1982.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 82-14161 Filed 5-21-82; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Parts 5 and 9

[Docket No. 82-7]

Organization of a National Bank Limited to Trust Powers; Fiduciary Powers; Applications; Consideration of Applications

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Comptroller is amending 12 CFR Parts 5 and 9 to correct technical errors, inadvertent omissions, redundancies, inconsistent cross-references and other discrepancies that resulted from the consolidation of Parts 4, 5, 13, 14 and 15 with portions of Parts 8 and 28 to form the present Part 5. That consolidation occurred on October 15, 1980 (45 FR 68586), as supplemented on March 13, 1981 (46 FR 16656) and December 4, 1981 (46 FR 59232).

DATE: The amendments are effective June 23, 1982.

FOR FURTHER INFORMATION CONTACT: Bill Pate, Trust Examinations Division.

(202) 447-1184; Robert Criswell, Bank Organization and Structure Division, (202) 447-1184; Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, Washington, D.C. 20219.

SUPPLEMENTARY INFORMATION: The Comptroller is amending § 5.22 to correct a reference in the authority section of the rule, and thereby include 12 U.S.C. 92a.

The Comptroller is deleting the term "existing" in § 5.26(a)(2) to clarify that the subparagraph applies to new as well as existing national banks, except for new banks limited to trust powers which apply for trust powers pursuant to organization under § 5.22.

The Comptroller amends § 9.2 to correct cross-references to other sections previously amended.

Finally, the Comptroller is deleting 12 CFR 9.3 because the substance of the regulation has been previously transferred to 12 CFR Part 5.

These amendments are not substantive, and therefore do not require review and comment. These technical amendments will not have a substantive cost effect on the national banking system or the public.

Neither a Regulatory Flexibility Analysis nor a Regulatory Impact Analysis has been prepared for this regulation. Pursuant to 5 U.S.C. 603(a) and 604(a), a Regulatory Flexibility Analysis is only required when an agency publishes a general notice of proposed rulemaking. Therefore, a Regulatory Flexibility Analysis is not required because no general notice of proposed rulemaking is required by 5 U.S.C. 553. The Comptroller of the Currency believes that the amendments will ease the application of the existing regulation and will not have any particular effect on small entities. The effect of the amendments is expected to be beneficial and small entities are generally expected to share the benefits of the amendments equally with larger institutions.

A Regulatory Impact Analysis is not required because the Office of the Comptroller of the Currency has determined that the proposal is not a "major rule" as defined by Executive Order 12291. The amendments will not have an annual effect on the economy of \$100 million or more, and will not result in a major increase in the cost of bank operations or government supervision. The amendments will not have adverse effects on competition, employment, investment, productivity, or on the ability of United States based enterprises to compete with foreign

based enterprises in domestic or export markets.

List of Subjects in 12 CFR Parts 5 and 9

Trust powers, Fiduciary powers, National banks.

PART 5—RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES

A. For the reasons set forth in the preamble, the Comptroller amends 12 CFR Part 5 as follows:

1. The authority citation for Part 5 reads as follows:

Authority: 12 U.S.C. 1 et seq.

2. Section 5.22(a)(1) is revised to read as follows:

§ 5.22 Organization of a national bank limited to trust powers.

(a) * * *

(1) Authority, 12 U.S.C. 1, 21, 22, 26, 27, 92a, 93a, 1814(b) and 1816.

* * *

3. Section 5.26(a)(2) is revised to read as follows:

§ 5.26 Fiduciary powers.

(a) * * *

(2) *Scope.* This section applies to applications for fiduciary powers by national banks. An application for fiduciary powers by a national bank limited to trust powers is governed by § 5.22 of this part.

* * *

PART 9—FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

B. For the reasons set forth in the preamble, the Comptroller amends Part 9 to read as follows:

(1) The authority citation for Part 9 reads as follows:

Authority: Sec. 1, 76 Stat. 668; 12 U.S.C. 92a; and R.S. 5240 as amended (12 U.S.C. 481), unless otherwise noted.

2. Section 9.2 is revised to read as follows:

§ 9.2 Applications.

A national bank desiring to exercise fiduciary powers shall file an application with the Comptroller of the Currency pursuant to 12 CFR 5.26, but an application to exercise fiduciary powers by a national bank limited to trust powers shall be filed pursuant to 12 CFR 5.22.

§ 9.3 [Reserved]

3. Section 9.3 is revoked and reserved.

Dated: May 4, 1982.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 82-14085 Filed 5-21-82; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 348

Management Official Interlocks; Final Amendment

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The FDIC is amending its regulation on management official interlocks to clearly provide that the exception to the general prohibitions of the regulation concerning institutions that face conditions that endanger their safety or soundness is available when one of the interlocked depository organizations is not supervised by a federal financial institution regulatory authority. As presently worded, the exception would seem not to be available in instances where the institution seeking the management official's services is solely State insured and State supervised. These amendments will insert language where appropriate so as to clearly make the exception available in such cases.

EFFECTIVE DATE: May 24, 1982.

FOR FURTHER INFORMATION CONTACT:

Pamela E. F. LeCren, Attorney, Legal Division, (202-389-4171), Room 4126-E, 550-17th Street, NW., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION: Part 348 of FDIC's regulations (12 CFR Part 348) implements the Depository Institution Management Interlocks Act ("Interlocks Act", 12 U.S.C. 3201 et seq.). In general the Interlocks Act and Part 348 prohibit management official interlocks between depository institutions, depository holding companies, their affiliates and unaffiliated depository institutions, depository holding companies, and their affiliates depending upon the size and location of the organizations. Section 348.4(b) of the regulation sets out five exceptions to the general prohibitions that are available with the prior approval of the Board of Directors. The exceptions require that certain determinations as to the "necessity" of an individual's service, and in one case, the overall condition of the organization seeking that individual's service, be determined by the "appropriate" or "primary" Federal supervisory agency.

Section 348.4(b)(3) permits an interlock between two depository institutions where one of the institutions faces conditions that endanger its safety or soundness. As presently worded, the exception would seem not to be available in instances where the institution seeking the management official's services is solely State insured and State supervised. These amendments will insert language where appropriate so as to clearly make the exception available in such cases.

The amendment is being published as a final rule under authority of 5 U.S.C. 553(b)(3) which provides that opportunity for public comment is not required where it is impracticable, unnecessary, or contrary to the public interest. Public comment is unnecessary because the amendment merely recognizes that management official interlocks involving solely State supervised organizations do occur and extends the availability of the exceptions to such interlocks. The amendment is made immediately effective under authority of 5 U.S.C. 553(d)(1) which allows waiver of the thirty-day delayed effective date where an amendment grants or recognizes an exemption or relieves a restriction.

It has been determined that the amendment is not subject to the Paperwork Reduction Act because it does not establish any recordkeeping or reporting requirement. The amendment is not expected to have any differing effect upon financial institutions due to their size nor is it anticipated to have any detrimental impact on existing competitive structures.

List of Subjects in 12 CFR Part 348

Antitrust Banks, Banking, Holding companies, Management official interlocks.

PART 348—MANAGEMENT OFFICIAL INTERLOCKS

Accordingly the Federal Deposit Insurance Corporation amends 12 CFR Part 348 as follows.

1. The authority citation for Part 348 reads as follows:

Authority: Sec. 209, Pub. L. No. 95-630, 92 Stat. 3675 (12 U.S.C. 3207).

§ 348.4 [Amended]

2. Subparagraph 348.4(b)(3) is amended by inserting "(or its State supervisory agency if it has no Federal supervisory agency)" after the word "organizations" and before the word "believes".

By order of the Board of Directors this 17th day of May 1982.

Federal Deposit Insurance Corporation,
Alan J. Kaplan,
Deputy Executive Secretary.
[FR Doc. 82-14139 Filed 5-21-82; 8:45 am]
BILLING CODE 6714-01-M

12 CFR Part 309

Disclosure of Information

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Final rule.

SUMMARY: The FDIC is amending its regulations on disclosure of information to permit insured nonmember banks to directly disclose copies of FDIC examination reports to their parent holding companies and individual shareholders without prior FDIC approval if certain conditions are met. The intent of this document is solely to eliminate the administrative burden the FDIC has encountered in processing disclosure requests.

EFFECTIVE DATE: June 23, 1982.

FOR FURTHER INFORMATION CONTACT: Pamela E. F. LeCren, Attorney, Legal Division (202-389-4171) Room 4126-E, 550 17th Street, NW., Washington, D.C. 20429 or Kevin M. Murphy, Review Examiner (202-389-4415) Room 780-D, 550 17th Street, NW., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION: On December 14, 1981, the FDIC published for comment a proposed amendment to Part 309 of its regulations dealing with disclosure of information (46 FR 60827). The comment period closed on February 12, 1982. The amendment as proposed was designed to authorize insured nonmember banks to copy and release their examination reports to their parent holding companies or majority shareholders without prior approval from the FDIC where (1) the holding company or individual shareholder owned in excess of 50 percent of the voting stock of the bank, (2) the board of directors of the bank authorized the release of each report, and (3) a receipt was obtained from the parent holding company or individual shareholder acknowledging that (a) the report had been received, (b) it would be retained for the exclusive use of the parent or shareholder, and (c) the report remained the property of the FDIC and no further disclosure would be made without prior FDIC approval. The disclosing bank was required to retain the receipts for three years.

The only extent to which the proposed amendment would have altered existing disclosure procedures was to allow the

bank to directly transmit examination reports rather than having FDIC transmit the reports at the bank's request. Such requests are currently processed under § 309.6(c)(6) of FDIC's regulations and are handled as follows. Disclosure by the FDIC occurs on a routine basis once a written request is received. Conditions on release may be imposed in order to protect the confidentiality of the reports, the financial integrity of the bank, and the privacy interests of any individual named in the report. The board of directors of the bank must adopt a resolution approving the request that the FDIC release the report. When the report is released, it is accompanied by a transmittal letter reminding the parent holding company or shareholder that the report is being furnished solely for the purpose of assisting the FDIC in the supervision of the bank, that the report is still the property of the FDIC, and that the report is confidential. A charge of \$10 is imposed for each disclosure.

As indicated when the proposal was originally published for comment, the intent of a change in procedure is solely to eliminate the administrative burden the FDIC has encountered in processing disclosure requests under § 309.6(c)(6). Each time a report is disclosed it takes approximately 2-3 hours to process the request. It is estimated that in 1981, 800 reports were furnished to parent holding companies and individual shareholders at a substantial cost to the FDIC in personnel time and materials.

Twenty-six comments were received during the comment period. All of the comments supported the concept of allowing insured nonmember banks to release examination reports to parent holding companies or individual shareholders without FDIC's prior approval when the parent holding company or individual shareholder owns more than 50% of the voting stock of the bank. All but seven of the comments objected to the requirement that the disclosing bank (1) authorize the release of each specific report, (2) obtain a receipt containing the information described above, and (3) retain the receipts for three years, on the basis that the requirements as proposed were overly burdensome. In contrast, a large trade association indicated that in its view, a change in procedure as proposed would not cause a large increase in the recordkeeping of its member banks. The American Bankers Association strongly supported the proposal citing the need to condition disclosure in order to safeguard the confidentiality of examination reports.

Having fully weighed the objections to the conditions on release as originally proposed, the FDIC has determined only to require an annual resolution authorizing release. The FDIC is also making several other changes from the proposal in deference to the comments that found the proposal to be burdensome. The changes are being made to address the comments but at the same time certain conditions are being imposed in recognition of the need to preserve the confidentiality of examination reports to the greatest extent possible and to provide the FDIC with accurate information on the location and number of examination reports that have been released. Those conditions are described below.

The final amendment requires that the annual authorization for disclosure specifically name the individual shareholder or parent holding company to whom the reports will be sent and the address to which reports will be sent. The authorization must also recite that any report furnished pursuant to the authorization remains the property of the FDIC, is to be retained for the exclusive use of the recipient, and is not to be disclosed without the FDIC's prior written approval. A copy of the authorization must be sent to the shareholder or parent holding company. Each time that a bank discloses a report of examination, disclosure must be noted in the minutes of the board of directors meeting immediately following disclosure. The minutes must also reflect the date of the report which has been disclosed, the date of disclosure, and to whom disclosure was made.

Combining the information that would have been obtained in the receipt with the one-time resolution authorizing disclosure and requiring notation of disclosure, etc. in the board's minutes significantly reduces the paperwork from that which would have been involved under the proposal. By utilizing the minutes of the board of directors as a vehicle for recording information rather than a receipt, the need to retain any additional documentation beyond that already maintained by the bank is eliminated. Sending a copy of the annual resolution which recites the need for FDIC approval before further disclosure may occur apprises the recipient of the confidentiality of the reports on a one-time basis thus eliminating additional paperwork.

In making the above changes from the proposed amendment, the FDIC rejected a suggestion that banks be permitted to disclose copies of their examination reports without prior approval to affiliates that perform services for the

bank such as providing guidance on regulatory compliance. A suggestion that a bank be permitted to release its reports of examination to groups of shareholders who, acting in concert, control more than 50% of the voting stock of the bank was also rejected. The latter was rejected in that (1) it would not seem to further the ultimate goal of disclosing the reports to an individual or parent holding company that is in a position to help the FDIC achieve its supervisory goals and (2) release on that scale would seem to drastically increase the number of potential recipients thereby possibly affecting the confidentiality of FDIC reports of examination on a large scale. Release to affiliates was rejected primarily because the situation where affiliates provide services of the sort that may be enhanced by release of examination reports does not often arise. When it does, release can be accomplished with FDIC's approval. For the most part, a bank should be able to provide sufficient information to the affiliate from sources other than its report of examination.

The amendment will shift the burden of reproduction, distribution, and recordation of disclosure to insured nonmember banks. While the FDIC cannot quantify the costs associated with that shift, it is not expected to differ depending upon the size of the disclosing bank. The FDIC's Board of Directors certified at the time of the original proposal that the amendment would not have a significant economic impact on a substantial number of small entities. That determination was based upon the following: (1) The impact produced by the amendment should affect each institution differently, depending not upon the size of the institution, but upon the efficiency with which it handles administrative matters, (2) any impact would seem to be limited to a one time cost outlay per year in amounts that could not be described as significant, and (3) the cost of retaining the necessary receipts would be minimal. The third item has been eliminated altogether.

List of Subjects in 12 CFR Part 309

Banks, Banking, Credit, Foreign banking, Freedom of information, Privacy, Disclosure requirements.

PART 309—DISCLOSURE OF INFORMATION

In consideration of the foregoing, 12 CFR Part 309 is amended as follows:

1. The authority citation for Part 309 reads as follows:

Authority: Sec. 2(9) "Seventh" and "Tenth," Pub. L. No. 797, 64 Stat. 681 as amended by Title III, sec. 309, Pub. L. No. 95-630, 92 Stat. 3677 (12 U.S.C. 1819 "Seventh" and "Tenth").

2. In Part 309, § 309.6(c)(7)(iii) is redesignated § 309.6(c)(7)(iv) and a new § 309.6(c)(7)(iii) is added to read as follows:

§ 309.6 Disclosure of exempt records by Corporation personnel.

(c) *Disclosure authorized.* * * *
(7) *Reports of examination and other exempt records—disclosure by banks or other third parties.* * * *

(iii) Any subsidiary bank of a bank holding company may reproduce and furnish a copy of any report of examination of the subsidiary bank to the parent holding company without prior approval by the Director of the Division of Bank Supervision and any bank may reproduce and furnish a copy of any report of examination of the disclosing bank to a majority shareholder if the following conditions are met: (A) The parent holding company or shareholder owns in excess of 50% of the voting stock of the bank or subsidiary bank; (B) the board of directors of the bank or subsidiary bank at least annually by resolution authorizes the reproduction and furnishing of reports of examination (the resolution shall (1) specifically name the shareholder or parent holding company, (2) the address to which the reports are to be sent, (3) indicate that all reports furnished pursuant to the resolution remain the property of the Federal Deposit Insurance Corporation and are not to be disclosed or made public in any manner without the prior written approval of the Director of the Division of Bank Supervision as provided in § 309.6(c)(7)(ii) of the Corporation's regulations); (C) a copy of the resolution authorizing disclosure of the reports is sent to the shareholder or parent holding company; and (D) the minutes of the board of directors of the bank or subsidiary bank for the meeting immediately following disclosure of a report contain a notation that (1) disclosure was made, (2) the date of the report which was disclosed, (3) to whom the report was sent, and (4) the date the report was disclosed.

By Order of the Board of Directors, 17th day of May 1982.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Deputy Executive Secretary.

[FR Doc. 82-14090 Filed 5-21-82; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563c

Accounting for Gains and Losses From Dispositions and for Discounts From Acquisitions of Mortgage Loans and Certain Securities

Dated: May 17, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board has determined to amend the effective date of paragraph (c) of § 563c.14 to make the regulation effective as of the date of its adoption on January 8, 1982. The Board also is taking this opportunity to clarify that the term "mortgage loans" was intended to include loans secured by manufactured home chattel paper and to expand coverage of the regulation to include redeemable ground rent leases and redeemable preferred stock.

EFFECTIVE DATE: May 21, 1982.

FOR FURTHER INFORMATION CONTACT:

Michael S. Joseph, Office of Examinations and Supervision (202-377-6994), or David J. Bristol (202-377-6461) or Kenneth F. Hall (202-377-6466), Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: On January 8, 1982, the Board adopted a clarifying amendment to § 563c.14, which was promulgated effective September 30, 1981, and authorizes the deferral and amortization of gains and losses from the sale of mortgage loans, mortgage-related securities and qualifying debt securities (12 CFR 563c.14; 46 FR 50048 (1981)). The amendment, made effective retroactively to September 30, 1981, provides that an institution that acquires a long-term mortgage loan or qualifying security at less than 90 percent of its par value within six months prior or subsequent to the sale at a loss of a mortgage loan or qualifying security must amortize the discount from the acquisition using the same amortization method and period used to amortize a like amount of the matching loss. The stated purpose of the amendment was to "make clear that the authority to defer and amortize gains and losses may not be used as an accounting mechanism to artificially inflate an institution's earnings" (47 FR 2857 (1982)). The Board requested public comment on the amendment through March 5, 1982.

Summary of Comments

The Board received a total of 23 comment letters on the amendment. Every comment letter expressed opposition to making the amendment retroactive, although most agreed with the substance of the amendment. Several commenters, including one law firm, expressed the view that retroactive application of the amendment is improper. In addition, some commenters suggested changes to the amendment, such as requiring matching only for dispositions and purchases that occur within the same fiscal year or within 30 days of each other, or determining whether to waive retroactive application on a case-by-case basis.

Discussion

The authority to defer and amortize gains and losses from the disposition of qualifying assets was not intended to permit institutions to account for transactions involving swaps of similar low-yielding assets in a manner that would suggest that extensive profits had been generated. As it noted in adopting paragraph (c) on January 8, 1982 (see 47 FR 2857 (1982)), the Board believes this intent was reflected both in the regulatory language adopted on September 30, 1981, which requires institutions using deferral accounting to "demonstrate an intent to use the sale proceeds so as to improve the institution's future profitability and/or reduce interest-rate risk" (12 CFR 563c.14(b)(1); 46 FR 50053 (1981)), as well as in the Supplementary Information accompanying the regulatory text (see 46 FR 50048-49 (1981)).

The Board recognizes, however, that the regulatory language as adopted on September 30, 1981, was ambiguous and that some institutions may have entered into transactions not contemplated by the Board when the amendment was adopted in September. The Board believes that retroactive application of the January 8, 1982, amendment, while clarifying the Board's position, may have produced inequitable results for those institutions that entered into transactions that appeared to literally comply with the regulation adopted on September 30. The Board has therefore determined to rescind the retroactive application of the amendment. That rescission is accomplished by amending subparagraph (c)(2) of the regulation.

In addition to urging rescission of the retroactive application of the amendment, commenters suggested three other changes. The suggested changes were (1) to require matching of amortization methods and periods only for dispositions and acquisitions that

occur in the same fiscal year or within 30 days of each other, (2) to tie the definition of a deep-discount loan or security to its interest rate, and (3) to define "deep-discount" as applying only to acquisitions at less than 70 percent of par value. The Board is of the view that adoption of these changes would undermine the objective of the amendment, which is to prevent institutions from accounting for transactions that result in little or no change in an institution's true economic value in a manner that indicates large earnings have been generated. The Board has determined, therefore, not to make these or any other changes to the amendment adopted on January 8, 1982.

Redeemable Ground Rents; Redeemable Preferred Stock

The Board also has determined to permit the deferral and amortization of gains and losses from the disposition of redeemable ground rent leases, and of preferred stock that at the time of issuance: (1) Provides for redemption on a fixed date in a fixed dollar amount, or for redemption pursuant to a fixed schedule of periodic payments; and (2) has a remaining term to maturity of at least five years. Typically, a redeemable ground rent lease is a perpetual lease that provides for the payment to the lessor of the real property an annual or semi-annual fee (the ground rent), non-payment of which gives the lessor the right to re-enter and void the lease. 38 CJS *Ground Rents* 2, 3 (1943; Supp. 1981). In this type of arrangement, the lessee generally purchases structures located on the real estate, though not the underlying real estate itself. The maximum amount of the ground rent is either fixed by statute or by the lease agreement, and the lessee may redeem the lessor's interest by paying the capitalized value of the lease, thus obtaining fee simple ownership of the property. Generally, the lease is freely assignable by the lessee. See, e.g., *Pronzato v. Guerrina*, 400 Pa. 521, 163 A.2d 297, 298 (1960); *Moran v. Hammersla*, 188 Md. 378, 52 A.2d 727, 728 (1947). Thus, the position of the lessee may be compared to that of a mortgagor who may repay the loan balance at any time in a single balloon payment. See also *Commissioner v. Simmers*, 231 F.2d 909 (4th Cir. 1956); *Jones v. Magruder*, 42 F. Supp. 193 (D. Md. 1941). A redeemable ground rent is treated as a mortgage for Federal income tax purposes (IRC 1055).

The purpose of § 563c.14 is to assist institutions to balance the maturities of their assets and liabilities and to

improve the yields of their mortgage and securities portfolios. In the Board's view, this purpose would be equally well-served by permitting the deferral of gains and losses from the disposition of redeemable ground-rent leases, as described above, and of mid-to long-term redeemable preferred stock, which, when redeemed on a pre-set date in a pre-set dollar amount or through pre-set periodic payments, possesses yield and repayment characteristics similar to those of debt securities. (The Board notes that loans secured by ground-rent leases currently qualify as mortgage loans under the Board's lending regulations (12 CFR 541.14 (1981)) and thus as mortgage loans under § 563c.14.) Because redeemable ground-rent leases typically are perpetual, the Board has determined to require that any gain or loss from the sale of a redeemable ground-rent lease must be amortized over a period not to exceed forty years, which is the maximum permissible term for a home loan under 12 CFR 545.6-2(a) (1981).

The Board also notes that § 563c.14 authorizes the amortization of gains and losses from the sale of loans secured by manufactured homes regardless of whether the loans are secured by the property on which the homes are located. See opinion of the General Counsel, dated February 11, 1982.

The Board finds that notice and public procedure with respect to the amendment pursuant to 5 U.S.C. 553(b) and 12 CFR 508.11 are unnecessary because (1) the amendments relieve restriction, and (2) it is in the public interest to immediately make available to insured institutions the expanded authority, which will assist them to improve profitability and reduce future interest-rate risk. The Board also finds that the 30-day delay of the effective date following publication as prescribed in 5 U.S.C. 553(d) and 12 CFR 508.14 is unnecessary for the same reasons.

List of Subjects in 12 CFR Part 563c

Accounting, Savings and loan associations, Securities.

Accordingly, the Board hereby amends Part 563c, Subchapter D, Chapter V of Title 12, Code of Federal Regulations, to read as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563c—ACCOUNTING REQUIREMENTS

Amend the title, paragraphs (a) and (d), and subparagraphs (b)(3)(ii), (c)(1)(i) and (c)(2) of § 563c.14, to read as follows:

§ 563c.14 Accounting for gains and losses on the sale or other disposition of mortgage loans, redeemable ground-rent leases, and certain securities; matching the amortization of discounts and losses.

(a) *General.* An institution, by resolution of its board of directors at the board's first meeting of the fiscal year, may elect to defer and amortize all gains and losses (net of related income taxes computed in accordance with generally accepted accounting principles) on any sale or other disposition occurring in that fiscal year of mortgage loans, redeemable ground-rent leases, mortgage-related securities (as defined in § 563.17-4(a)(4) of this Subchapter), preferred stock that at the time of issuance provides for redemption on a fixed date in a fixed dollar amount or for redemption pursuant to a fixed schedule of periodic payments and has a remaining term to maturity of at least five years, and debt securities that do not qualify as liquid assets under § 523.10(g) of this Chapter because of their maturities or that have remaining terms to maturity of at least five years. Using the same procedure, an institution may revoke any prior election(s) to amortize gains and losses on the disposition of such assets.

(b) *Amortization.* . . .

(3) Account for such gains and losses as follows:

(ii) Such gains or losses shall be amortized by the straightline method, as described in § 563.23-1(g)(10)(i) of this Subchapter, or by the level-yield method, as described in § 563.23-1(g)(10)(iii), over a period not to exceed the average of the remaining terms to maturity of the disposed mortgage loans or qualifying securities, or, in the case of redeemable ground-rent leases, a period not to exceed 40 years, with the yield calculated to reflect the length of the amortization period. Amortization periods for gains shall be established in the same manner as are amortization periods for losses deferred in the same fiscal year.

(c) *Matching the amortization of discounts and losses.*

(1) For purposes of this paragraph (c) only:

(i) The term "long-term, deep-discount security" means any loan, lease or security identified in paragraph (a) of this section that has a remaining term to maturity, at the time of purchase, or ten years or more, and is purchased at a price of less than 90% of its stated (par) value or principal balance.

(2) On or after January 8, 1982, when long-term, deep-discount securities . . .

(d) For purposes of this section, "disposition" includes, but is not limited to, (1) prepayment at a discount of an institution's mortgage loans by existing borrowers, (2) sales of loans (including participation interests therein), leases and securities identified in paragraph (a) of this section, and (3) exchanges of assets eligible for disposition under this section.

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730). Reorg. Plan No. 3 of 1947, 12 FR 4891, 3 CFR, 1943-48 Comp., P. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.

[FR Doc. 82-14073 Filed 5-21-82; 8:45 am]
BILLING CODE 6720-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 125

[Revision 1, Amendment 1]

Procurement Assistance; Eligibility Requirements for Certificate of Competency Applicants

AGENCY: Small Business Administration.
ACTION: Final rule.

SUMMARY: This amendment revises the wording of the Certificate of Competency (COC) regulations regarding program eligibility, parts of which have been subject to misinterpretation by some applicants. Additionally the amendment now permits contracting agencies the discretion to determine if contracts valued less than \$10,000 should be referred to the Small Business Administration (SBA) under the COC requirements. This revision will provide a clear understanding of the requirements of the COC Program.

EFFECTIVE DATE: May 24, 1982.

FOR FURTHER INFORMATION CONTACT: Robert J. Moffitt, Director, Office of Industrial Assistance, (202) 653-7035.

SUPPLEMENTARY INFORMATION: SBA has recently discovered that the wording of 13 CFR Part 125.5(f) and (g), COC regulations, is being misinterpreted by COC applicants. In its present form, paragraph (f) reads as follows:

(f) A small business concern shall not be eligible for a COC unless it performs a significant portion of the contract with its

own facilities and personnel to assure SBA that the bidder is simply not an agent.

Some applicants have interpreted this paragraph as a test to determine the existence of an "agency relationship" between the bidder and other firms. Although we understand how this interpretation may be made from the current wording, SBA's intent was solely to insure that the benefits of the COC program passed to the small bidder directly rather than as an intermediary.

The requirement that the bidder perform a significant portion of the contract with its own facilities and personnel is adequate to assure that result. The words at the end of § 125.5(f), "to assure SBA that the bidder is not simply an agent," are not needed; thus, are being eliminated from this paragraph. Section 125.5 paragraph (f) is now set forth as § 125.5 paragraph (b) in the revised regulation.

The application of § 125.5(g) has also been the basis of confusion to some COC applicants. The portion of the paragraph which has created the problem is as follows:

§ 125.5(g) * * * The product of a large business may only be supplied on a non-set-aside procurement and that product and the responsibility of the manufacturer must be acceptable to the procuring activity.

This regulation was added to allow small non-manufacturers (dealers) to receive COC's on unrestricted procurements regardless of the size of the original manufacturer. Prior to this regulation, a small business dealer was required to supply the product of a small business manufacturer. SBA felt that this requirement was unduly burdensome and restrictive upon small business, and that small business firms bidding on unrestricted Government procurements and requiring a COC should not be held to a more restrictive standard than the solicitation imposes on the field of bidders.

In most instances, the current wording of § 125.5(g) has not posed any problems; however, some small business dealers have inferred that the current regulation allows the supply of foreign manufactured products and still remain eligible to receive a COC.

COC procedures require an extensive review of the applicant's ability to perform prior to an affirmative COC action and, although we do not certify the responsibility of the large manufacturer, an evaluation of its ability is considered. In situations where a foreign manufacturer is the source of supply, this evaluation becomes impossible.

SBA did not intend for this paragraph to permit the supply of foreign

manufactured products, nor do we feel it can be interpreted as such; however, rather than continue with the possibility of such misinterpretation, a rewording of § 125.5(g) will clarify the matter. Paragraph 125.5(g) is now set forth as § 125.5(c) and contains the revised wording.

Additionally, the COC Program has experienced dramatic growth in the last four or five years without corresponding increases of resources. Consequently, it has reached the point where the agency must use the existing resources in the most cost effective way. Consequently, it has been determined that contracts valued less than \$10,000 do not have to be referred by the contracting agency unless so desired. SBA feels that the cost incurred by both the small business concern in applying for a COC, and the Federal Government in processing the application, outweighs the possible benefits derived from the award of a COC on contracts less than \$10,000.

SBA hereby certifies that this regulation, if promulgated in final form will not have a significant economic impact on a substantial number of small businesses. In addition, SBA also certifies that this rule, if promulgated in final form, would not constitute a major rule for the purpose of Executive Order 12291.

These regulations are not issued for proposed rulemaking because such delay would be contrary to the public interest. Interested parties are encouraged to submit written comments regarding these regulations. Materials submitted will be evaluated and acted upon in the same manner as if this document were a proposal.

List of Subjects in 13 CFR Part 125

Government contracts, Government procurement, Small businesses, Technical assistance, Certificates of competency.

PART 125—PROCUREMENT ASSISTANCE

Therefore, 13 CFR 125.5 is revised to read as follows:

§ 125.5 Certificate of Competency Program.

The Certificate of Competency (COC) Program is authorized under section 8(b)(7) of the Small Business Act as amended. A COC is a written instrument issued by SBA to a Government contracting officer, certifying that a small concern (or a group of such concerns) named therein possesses a responsibility and/or eligibility to perform a specific Government procurement (or sale) contract.

(a) To be eligible for the program, a firm must be:

(1) A "small business concern" using the size standard as of the date of the determination and the SIC Code contained in the solicitation; or

(2) A "group of such concerns" in the form of a small business pool approved under the Small Business Act.

(b) A manufacturing, construction, or service concern shall not be eligible for a Certificate unless it performs a significant portion of the contract with its own facilities and personnel.

(c) A non-manufacturing concern which submits a bid or offer on a set-aside contract shall not be eligible for a COC unless the end items to be furnished under the contract will be manufactured by a small business concern in the United States; when an unrestricted procurement or a procurement utilizing small purchase procedures, an otherwise qualified non-manufacturer may supply any domestically produced or manufactured product. The responsibility of the small non-manufacturer is certified, not the large manufacturer. In the event of a tie bid, preference shall be given to the concern supplying the product of a small business. Tool kit assemblers are required to provide items manufactured by small business concerns amounting to more than 50 percent of the kit material value.

(d) Government procurement officers, and officers engaged in the sale and disposal of Federal property, upon determining and documenting that a small business lacks certain elements of responsibility, including but not limited to competency, capability, capacity, credit, integrity, perseverance, and tenacity, shall notify SBA of such determination where the contract value is \$10,000 or greater. It is within the discretion of the contracting officer to determine if a referral should be made when the contract value is less than \$10,000. Award is withheld by the contracting officer for a period up to 15 working days following the date of receipt by SBA of notice of such determination (with appropriate documentation) in order to permit SBA to investigate and certify as to the bidder's responsibility.

(e) Upon receipt of this notification, SBA personnel then contact the company concerned to inform it of the impending decision, and to offer the opportunity to apply to SBA for a Certificate. A concern wishing to apply advises the SBA regional office for the geographic region within which the concern is located. Upon timely receipt of required documentation, SBA

personnel may be sent to the firm to review the responsibility of the applicant and make recommendations to the Regional Administrator.

(f) If the Regional Administrator's decision is negative, the COC is denied and both the firm and procuring agency are notified. If the Regional Administrator's decision is affirmative and the procurement is less than \$500,000, the Regional Administrator issues a Certificate. Contracting officers will be informed in advance of issuing. For procurements in excess of \$500,000, if the Regional Administrator recommends issuance of the Certificate, the Associate Administrator for Procurement and Technology Assistance, SBA Central Office, causes a review to be made and either issues or denies the Certificate. If the Associate Administrator's decision is negative, the firm and procuring activity are so informed; if affirmative, a letter, certifying the responsibility of the firm as to the elements of responsibility referred (the COC) is sent to the procuring activity and the applicant informed of such issuance by the regional office.

(g) The notification to an unsuccessful applicant concern will briefly state the reason for denial and inform the applicant that a meeting may be requested with the appropriate SBA regional personnel to discuss the reasons for denial. Upon receipt of a request for such a meeting, the appropriate regional personnel will confer with the applicant and explain fully the reasons for SBA's action. However, such conference will be for the sole purpose of enabling the applicant to improve or correct deficiencies and will not constitute a basis for reopening the case in which the Certificate was denied.

(h) After a Certificate is issued and the contract is let to the applicant, SBA keeps a close watch on the progress. Progress reviews are made by SBA field personnel who report to the Central Office on the status of the contract. In this way, SBA assistance is constantly available to the contractor.

(i) A Government procurement officer documenting that a small concern is ineligible due to the provisions of section 35(a) of Title 41, U.S.C. (the Walsh-Healey Public Contracts Act) must notify SBA of such determination. SBA shall either certify that the concern is eligible for the specific contract or concur with the finding of ineligibility and refer the matter to the Secretary of Labor for final disposition.

(j) By terms of the Small Business Act, as amended, the COC is conclusive as to responsibility. Contracting officers are

directed to award a contract without requiring the firm to meet any other requirement with respect to responsibility and eligibility.

Dated: May 17, 1982.

James C. Sanders,
Administrator.

[FR Doc. 82-14118 Filed 5-21-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 72-CE-13-AD; Amendment 39-4385]

Airworthiness Directives; Beech Models 99, 99A, A99, A99A and B99 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; revision of existing airworthiness directive (AD).

SUMMARY: This amendment further revises Airworthiness Directive (AD) 72-10-04, Amendments 39-1445 and 39-1888, which applies to all Beech Model 99 series airplanes including the Model C99 airplane. The AD requires electromechanical landing gear retraction systems to be maintained in accordance with the latest revision of the Beech Part Number (P/N) 99-590015-B Maintenance Manual. Since the Model C99 airplane is equipped with a hydraulic system, the requirements of the AD are neither required nor appropriate on these airplanes. Accordingly, the AD is being revised to make it applicable to only those Beech Model 99 airplanes manufactured with electromechanical landing gear retraction systems.

EFFECTIVE DATE: May 13, 1982.

Compliance: As prescribed in the body of the AD.

FOR FURTHER INFORMATION CONTACT: Ross R. Spencer, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 269-7005.

SUPPLEMENTARY INFORMATION: Amendment 39-1445 (37 FR 9209, 9210), as amended by 39-1888 (39 FR 24502), requires maintenance of the Beech Model 99 series airplane landing gear retraction systems not modified per Beech Kit No. 99-8010-1 in accordance with the current Beech Maintenance Manual. Subsequently, Beech Model C99 airplanes were designed to incorporate the hydraulic landing gear retraction

system of the same design as Kit No. 99-8010-1.

Accordingly, the requirements of AD 72-10-04 are not applicable to Model C99 airplanes and the FAA is revising the applicability statement of the AD to exempt these airplanes.

Since this amendment is relieving in nature and imposes no additional burden on any person, notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, AD 72-10-04, Amendments 39-1445 (37 FR 9209 and 9210) and 39-1888 (39 FR 24502), § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended as follows:

Revise the applicability statement so that it now reads:

Beech—Applies to Models 99, 99A, A99, A99A and B99 airplanes, except airplanes equipped with a hydraulic-operated landing gear per Beech Kit No. 99-8010-1.

This amendment becomes effective on May 13, 1982.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1055(c)); and § 11.89, Federal Aviation Regulations (14 CFR 11.89))

Note.—The FAA has determined that this regulation involves revision of a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and certifies that the rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves maintenance procedures on only a few aircraft owned by small entities.

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the Courts of Appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued in Kansas City, Missouri, on May 13, 1982.

Murray E. Smith,

Director, Central Region.

[FR Doc. 82-14028 Filed 5-21-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

(Docket No. 82-NM-31-AD; Amdt. 39-4383)

Airworthiness Directives: British Aerospace Model HS 125 Series 700 Airplanes**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive which requires reorientation of the elevator pitch trim switch on the control wheel on certain British Aerospace Model HS-125 airplanes. This reorientation is to align the trim switch so that it will rotate about an axis in a way which corresponds to the resultant rotation of the aircraft. This is a requirement of the airworthiness rules under which the aircraft was certified and is necessary to prevent a pilot from possibly operating the trim system in the wrong direction.

DATE: Effective date May 31, 1982. Compliance required within the next 100 hours time-in-service after the effective date of this AD.

ADDRESSES: The service bulletin specified in this Airworthiness Directive may be obtained upon request to British Aerospace, Inc., Box 17414, Dulles International Airport, Washington, D.C. 20041. This document may also be examined at the FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Robert J. Huhn, Foreign Aircraft Certification Branch, ANM-150S, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2530.

SUPPLEMENTARY INFORMATION: The United Kingdom Civil Aviation Authority (CAA) has classified British Aerospace Corporation HS-125 Service Bulletin 27-124-(2705) mandatory. This service bulletin requires that the elevator trim switches, located in the control column handwheels, be rotated so as to obtain a vertical "up/down" movement for the trimming operation on certain HS-125 airplanes. There is a possibility that the pilot will inadvertently operate the trim switch in the wrong direction. In order to prevent this from occurring, the CAA, which is the civil airworthiness authority of the United Kingdom, is requiring that the elevator trim switches be reoriented in accordance with HS-125 Service Bulletin 27-124-(2705) dated January 1, 1979, on certain HS-125 airplanes.

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since this condition is likely to exist on airplanes of this model registered in the United States, an AD is being issued which requires that the trim switches be reoriented in accordance with HS-125 Service Bulletin 27-124-(2705) dated January 1, 1979, as mentioned above on certain HS-125 airplanes.

Since a situation exists that requires the immediate adoption of this regulation it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

British Aerospace: Applies to Model HS 125-700A series airplanes and all variants, serial numbers 25/7001, 25/7007, 25/7010, 25/7013, 25/7020, 25/7022, 25/7025, 25/7028, 25/7031, 25/7034, 25/7037, 25/7040, and 25/7046 certificated in all categories.

Compliance required within the next 100 hours time in service after the effective date of this AD. To prevent improper operation of the elevator pitch trim switch located in the control column handwheel accomplish the following, unless already accomplished.

1. Remount the elevator pitch trim switch in accordance with the accomplishment instructions of British Aerospace Service Bulletin HS-125 27-124(2705) dated January 1, 1979.

2. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

3. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

This amendment becomes effective May 31, 1982.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.69)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator. Under section 1006(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1486(a)), it is subject to review by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on May 11, 1982.

Charles R. Foster,

Director, Northwest Mountain Region.

(FR Doc. 82-13890 Filed 5-21-82; 8:45 am)

BILLING CODE 4910-13-M

14 CFR Part 39

(Docket No. 82-NM-40-AD; Amdt. 39-4384)

Airworthiness Directives; Gulfstream American Corporation Models G-1159 and G-1159B Airplanes**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) which requires inspection and replacement of the elevator outboard trim tab hinge fitting and attaching rib, and inspection, and repair if necessary, of the elevator rear spar on Gulfstream American Models G-1159 and G-1159B airplanes. The AD is prompted by reports of cracks in the elevator outboard trim tab hinge fitting and elevator rear spar which could result in the possible severe flutter of the elevator and/or elevator trim tab.

DATES: Effective date May 31, 1982. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Gulfstream American Corporation, P.O. Box 2206, Savannah, Georgia 31402. This information also may be examined at FAA Northwest Mountain Region, 17900 Pacific Highway South, C68966, Seattle, Washington 98168, or the Atlanta

Aircraft Certification Office, FAA, 3400 Norman Berry Drive, East Point, Georgia 30344.

FOR FURTHER INFORMATION CONTACT:

Jack Bentley, ACE-120A, Federal Aviation Administration, Atlanta Aircraft Certification Office, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7407.

SUPPLEMENTARY INFORMATION: Cracks have been found in the elevator outboard trim tab hinge fitting and elevator rear spar on Gulfstream American Models G-1159 and G-1159B airplanes which could result in the possible severe flutter of the elevator and/or elevator trim tab.

Since this condition is likely to exist or develop on other airplanes of the same type design, an Airworthiness Directive is being issued which requires replacement of the elevator outboard trim tab hinge fitting and attaching rib, and inspection, and repair if necessary, of the elevator rear spar on Gulfstream American Models G-1159 and G-1159B airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviations safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, §39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Gulfstream American Corporation (formerly Grumman American Corporation, Grumman Aerospace Corporation): Applies to Gulfstream American Models G-1159 and G-1159B series airplanes, certificated in all categories. Compliance required as indicated unless previously accomplished.

To prevent possible severe flutter of the elevator and/or elevator trim tab, accomplish the following:

A. Within the next 50 hours time in service after the effective date of this AD, and thereafter at intervals not to exceed 50 hours time in service until repairs are accomplished in accordance with paragraph B, inspect the left and right outboard elevator trim tab hinge fittings and left and right elevator rear spar for cracks in accordance with Gulfstream American Customer Bulletin No. 325, Amendment 1, dated March 28, 1982. If cracks are found, repair or replace the failed parts before further flight in accordance with Gulfstream American Customer Bulletin No. 3125 dated April 15, 1982.

B. Within 150 hours time in service after the effective date of this AD, unless already accomplished, accomplish the following in accordance with Gulfstream American Service Change No. 315 dated April 15, 1982: (1) Remove the left and right elevator outboard trim tab hinge fittings, P/N 1159CSM20105-1, and replace with P/N 1159CSM20837. (2) Remove the left and right elevator ribs, P/N 1159CS20420-1 and -2, and replace with ribs, P/N 1159RDC300-919 and -920. (3) Inspect and repair, if necessary, the elevator rear spar.

C. Perform a mass balance inspection of the elevator in accordance with Gulfstream American Model G-1159 Maintenance Manual upon completion of repairs and installation of replacement parts.

D. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Chief, Atlanta Aircraft Certification Office.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Gulfstream American Corporation, P.O. Box 2206, Savannah, Georgia 31402.

These documents may be examined at the Atlanta Aircraft Certification Office, FAA, 3400 Norman Berry Drive, East Point, Georgia 30344.

This amendment becomes effective May 31, 1982.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator. Under section 1006(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1486(a)), it is subject to review by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington on May 11, 1982.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 82-13889 Filed 5-21-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-ASW-27]

Alteration of Control Zone: Clovis, NM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the description of the control zone at Clovis, NM. This amendment will discontinue the provision of part-timing the control zone by use of Notice to Airmen (NOTAM). The amendment is necessary since the control zone has been a continuous control zone for the past several months. This amendment will eliminate the necessity for the Air Force to publish a NOTAM to advertise the hours of the control zone.

DATES: Effective date—September 2, 1982. Comments on the rule must be received before August 1, 1982.

ADDRESSES: Send comments on the action in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region; Docket No. 82-ASW-27, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart F, § 71.171, as republished in Advisory Circular AC 70-3 dated January 29, 1982, contains the description of control zones designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the description of the control zone at Clovis, NM, will necessitate an amendment to this subpart.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) amends the description of the Clovis, NM, control zone. Because this action is administrative in nature, I find

that notice and public procedure and publication 30 days before the effective date are unnecessary; however, comments are invited on the rule. When the comment period ends, the FAA will use the comments and any other available information to review the regulation.

List of Subjects in 14 CFR Part 71

Control zones, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR 71) as republished in Advisory Circular AC 70-3 dated January 29, 1982, is amended, effective 0901 G.m.t., September 2, 1982, by deleting:

Clovis, NM Amended

This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen (NOTAM). The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. It is certified that the rule will not have a significant economic impact on a substantial number of small entities as the anticipated impact is minimal.

Issued in Fort Worth, TX, on May 12, 1982.
F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc 82-13891 Filed 5-21-82; 8:45 am]

BILLING CODE 4910-13-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Minimum Financial and Related Reporting Requirements for Futures Commission Merchants

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rules

SUMMARY: The Commodity Futures Trading Commission ("Commission") is amending certain of its minimum financial and related reporting

requirements for futures commission merchants ("FCMs"). These amendments are intended to conform the Commission's minimum financial requirements to those of the Securities and Exchange Commission ("SEC"). This action is a continuation of previous cooperative efforts between the Commission and the SEC which are intended to eliminate, to the extent practicable, duplicative or undue regulatory burdens on FCM/broker-dealers.

EFFECTIVE DATE: May 24, 1982.

FOR FURTHER INFORMATION CONTACT: Gary C. Miller, Assistant Chief Accountant, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254-8955.

SUPPLEMENTARY INFORMATION:

I. Introduction

On March 23, 1982, the Commission published proposed amendments to certain provisions of the minimum financial and related reporting requirements for FCMs, and permitted thirty days for public comment thereon (47 FR 12353). The Commission received four written comments on the proposals, each of which supported the proposals. The commentators included two FCMs, one contract market and one trade association. Based upon the comments received and its own review of the issues involved, the Commission has determined to adopt the amendments as proposed.

II. Amendment to Minimum Adjusted Net Capital Requirement

Although the Commission eliminated all references to aggregate indebtedness in its minimum financial and related reporting requirements for FCMs effective December 31, 1980, the SEC has maintained six and two-thirds percent of aggregate indebtedness as the basic net capital requirement for brokers and dealers. Further, the SEC recently adopted an amendment to its alternative net capital computation which reduces the amount of net capital required for a broker or dealer electing to operate under the SEC's alternative net capital computation from four percent of aggregate debit items to two percent.¹

¹ 47 FR 3512 (January 25, 1982). The SEC also amended its net capital definition with respect to two items unique to the securities business: (1) receivables arising out of "free shipments" of mutual fund shares (see 47 FR 3512, at 3517, 3518) and (2) "short securities differences" (see 47 FR 3512, at 3515-16, 3518). No changes are needed in the Commission's regulations as a result of those two amendments because all deductions which a broker or dealer must make from its net worth in

If the Commission did not amend its rules, there could be FCM/broker dealers with adjusted net capital which would meet the minimum financial requirement of the SEC but would not meet the Commission's minimum financial requirement, even though the firm's adjusted net capital is in excess of the Commission's principal requirement, which is four percent of the funds required to be segregated under the Commodity Exchange Act, as amended (Act) (7 U.S.C. 1 *et seq.* (1976 & Supp. IV 1980)) and the Commission's regulations.

The Commission believes that such a result is not needed to achieve the essential purpose of the minimum financial requirement for FCMs, which is to require FCMs to maintain at all times adjusted net capital equal to the greater of the required minimum dollar amount, or four percent of the funds required to be segregated. The Commission also believes that such a result would be contrary to one of the Commission's stated goals, which is to prevent the imposition of excessive financial requirements on FCM/broker-dealers so as to put such firms at a competitive disadvantage to other FCMs.* Further, if the Commission did not amend its regulations, FCM/broker-dealers could be required to maintain adjusted net capital according to two different methods, necessitating duplicative computational and recordkeeping requirements.

The Commission has determined, therefore, to adopt amendments to the minimum financial and related reporting requirements for FCMs to allow those FCMs which are also registered as brokers or dealers to comply with the Commission's minimum adjusted net capital requirement by maintaining the amount of net capital required by the regulations of the SEC, so long as the amount of net capital required to be maintained under the SEC's rules exceeds the amount required to be maintained if the FCM were not also registered as a broker or dealer.

The Commission is amending § 1.17(a)(1) of its regulations by eliminating the words "4 percent of aggregate debit items computed in accordance with the formula for determination of reserve requirements [Exhibit A to Rule 15c3-3, 17 CFR 240.15c3-3]" and substituting in their place "the amount of net capital

computing net capital under SEC regulations are incorporated by reference in the Commission's financial rules (in the Commission's terminology, such items constitute required adjustments to net capital).

* See 43 FR 39956, at 39962 (September 8, 1978).

required by Rule 15c3-1(a) of the regulations of the Securities and Exchange Commission (17 CFR 240.15c3-1(a))" as the last clause of § 1.17(a)(1). Conforming changes to other provisions of § 1.17 and to a provision of the early warning system (17 CFR 1.12) which refer to the required minimum amount of adjusted net capital have also been made,³ as well as appropriate changes to Commission Form 1-FR, the basic financial reporting form for FCMs.⁴

Two commentators suggested that the Commission should consider reducing the minimum adjusted net capital requirement for all FCMs. This rulemaking proceeding is, as stated above, only intended to be a continuation of previous cooperative efforts between the Commission and the SEC for the purpose of eliminating, to the extent practicable, duplicative or undue regulatory burdens on FCM/broker-dealers. The Commission did not propose to change the basic minimum adjusted net capital requirement for all FCMs, and nothing which the Commission has observed in the course of its monitoring of the financial condition of FCMs, and nothing presented by the commentators, gives the Commission any reason to consider making such a major proposal as lowering the minimum adjusted net capital requirement for FCMs.

III. Other Amendments

The recent SEC amendments to its net capital requirements for brokers and dealers made two substantive changes to those requirements in addition to lowering the percentage of aggregate

debit items used in the SEC's alternative net capital computation.

The first of these amendments concerns the treatment of certain current tax liabilities.⁵ The Commission's regulations previously have not allowed an FCM to exclude current tax liabilities (in contrast to the treatment allowed for deferred tax liabilities) from the firm's liabilities for purposes of computing net capital, even if the current tax liability is based on income related to an asset which must be deducted from current assets for purposes of computing net capital.⁶ The Commission previously has not allowed an offset for current tax liabilities because a current tax liability must be paid by the FCM regardless of whether the asset generating the income upon which the tax liability is based has been converted into cash, and the Commission believes that such treatment could continue to be justified under a strict liquidity test. The Commission further believes, however, that such treatment appears to be unnecessary to protect a firm's solvency. Accordingly, the Commission is amending its financial rules to permit an FCM to exclude from liabilities for purposes of computing net capital any current tax liability based upon accrued income which is directly related to an asset required to be deducted pursuant to § 1.17. The Commission intends, however, to interpret this provision narrowly.

The second amendment concerns subordinated debt.⁷ The Commission's subordination agreement rules are contained in § 1.17(h). Agreements which are in accord with those rules are deemed "satisfactory subordination agreements" and the subordinated debts which are governed by those agreements can be excluded from liabilities for purposes of computing net capital. Section 1.17(h)(2)(vii) prohibits any prepayment of subordinated debt for one year following the date upon which the governing subordination agreement became effective, a provision which is designed to insure the adequacy and permanence of subordinated debt, and to prevent circumvention of the general requirement of a one year minimum term (see § 1.17(h)(2)(i)(A)). The SEC has now determined to permit the use of what it refers to as "Revolving Subordinated Loan Agreements," which

would have no restriction as to when prepayment of subordinated debt could be made, provided certain other conditions are met. The Commission believes that revolving subordination agreements will be acceptable so long as prepayments of such agreements (deemed "special prepayments") are subject to conditions which involve higher levels of adjusted net capital than those applicable to the present prepayment provision and are subject to approval by the designated self-regulatory organization(s) involved and the Commission.

A satisfactory subordination agreement, therefore, can contain either the normal prepayment provision (after one year), the new special prepayment provision (prior to one year), both such prepayment provisions, or neither provision. A subordination agreement containing the special prepayment provision described in this release will, of course, be subject to all other provisions of the Commission's regulations regarding subordination agreements. Also, a subordination agreement containing the special prepayment provision cannot be counted as equity capital. See § 1.17(d)(1). This determination is consistent with the determination of the SEC in this area.

IV. Other Matters

A. Contract Market Rules. The Commission wishes to reiterate that central to the operation of the financial surveillance system for FCMs are the requirements in § 1.52(a) of the regulations (17 CFR 1.52(a)) that each contract market have in effect, and be responsible for enforcing, financial and reporting rules for their member FCMs which are at least as stringent as those contained in §§ 1.10 and 1.17 of the Commission's regulations, and that each contract market's definition of adjusted net capital be the same as that provided in § 1.17(c). Most of the contract markets' rules in this regard incorporate, by reference, the requirements of §§ 1.10 and 1.17 and, hence, the amendments to § 1.17 will be incorporated automatically into the rules of those contract markets upon the effective date of such amendments. Two contract markets do not follow this approach, however, and instead have detailed financial and reporting rules. The change in the treatment of current tax liabilities which has been adopted by the Commission will affect the definition of adjusted net capital, and the rules of those two contract markets must be amended so that their definition of adjusted net capital will remain the

³ Paragraph (e) of § 1.17, referring to withdrawal of equity capital, and paragraphs (h)(2)(vi)(C), (h)(2)(vii), (h)(2)(viii), (h)(3)(ii) and (h)(3)(v) of § 1.17, referring to subordination agreements, have been amended, as well as § 1.12(b) of the early warning system, with appropriate references to the corresponding SEC rules.

⁴ Amendments have been made in what are currently Items 24C and 27 of the Statement of the Computation of the Minimum Capital Requirements (as a result of previous amendments to Form 1-FR made in connection with the Commission's adoption of regulations to govern a pilot program of trading commodity options on domestic exchanges, those items have been renumbered as 22C and 25, respectively, 46 FR 54500, 54536 (November 3, 1981)). A change has also been made in Item 4 of the Statement of the Computation of the Minimum Capital Requirements due to a change in treatment of certain current tax liabilities discussed *infra*. Of course, FCM/broker-dealers retain the option of filing a copy of Part II of their FOCUS Report in lieu of Form 1-FR, 17 CFR 1.10(h). The changes to the Form 1-FR which have been necessitated by the amendments to the regulations discussed herein are not being published in this release since those changes are of a minor, technical nature and because Form 1-FR does not appear in the Code of Federal Regulations. Form 1-FR is available upon request from the Commission.

⁵ The SEC's discussion of this issue can be found in 47 FR 3512, at 3516-17.

⁶ 17 CFR 1.17(c)(2)(ii) (1981), as amended, 46 FR 54500, 54517 (November 3, 1981).

⁷ The SEC's discussion of this issue can be found in 47 FR 3512, at 3516.

same as the Commission's definition. In the **Federal Register** release announcing the proposal of the amendments discussed herein, the Commission stated that those two contract markets should begin the preparations necessary to effectuate an appropriate change in their rules in the event the Commission adopts such an amendment. Since the Commission is making the amendments to its rules effective immediately, the Commission has authorized its Division of Trading and Markets to take a "no-action" position regarding the two contract markets in question for thirty days following publication of this notice to allow those contract markets to complete the process of amending their rules.

B. Certification Under the Regulatory Flexibility Act. The Commission does not believe that the rule amendments discussed herein will have significant economic impact on small entities. As discussed above, the only regulated entities which will be affected by the rule amendments are FCMs, principally FCM/broker-dealers.* The rule amendments are of a liberalizing nature and they will relieve burdens and restrictions heretofore imposed on FCMs. Accordingly, pursuant to Section 3(a) of the Regulatory Flexibility Act, 94 Stat. 1168 (5 U.S.C. 605(b)), the Chairman, on behalf of the Commission, certifies that the rule amendments being adopted will not have a significant economic impact on a substantial number of small entities.

C. Effective Date. The Commission, in accordance with 5 U.S.C. 553(d)(3), finds good cause for making the rule amendments described herein effective upon publication in the **Federal Register**. The amendments are designed to make the Commission's minimum financial regulations consistent with those of the SEC, which were amended effective May 1, 1982. The Commission's amendments, as was the case with those of the SEC, are of a liberalizing nature and relieve certain restrictions heretofore imposed, so there is no need to delay implementation. To relieve any uncertainty in this area, the Commission's Division of Trading and Markets will not recommend that any enforcement action be taken against any FCM/broker-dealer for failure to comply with the CFTC's minimum financial requirement during the period between May 1, 1982 and the effective date of these amendments if such FCM/broker-

dealer can demonstrate affirmatively that it meets the minimum financial requirement of the SEC.

List of Subjects in 17 CFR Part 1

Commodity futures, Financial requirements, Reporting requirements.

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

In consideration of the foregoing, the Commission, pursuant to the authority contained in sections 4d, 4f and 8a of the Act, 7 U.S.C. 6d, 6f and 12a (1976 and Supp. IV 1980), hereby amends 17 CFR Chapter I in the manner set forth below.

1. 17 CFR Part 1 is amended by revising paragraph (b) of § 1.12 to read as follows:

§ 1.12 Maintenance of minimum financial requirements by futures commission merchants.

(b) Each person registered as a futures commission merchant, or who files an application for registration as a futures commission merchant, who knows or should have known that its adjusted net capital at any time is less than the greatest of 150 percent of the appropriate minimum dollar amount required by § 1.17, or 8 percent of the funds required to be segregated pursuant to Section 4d(2) of the Act and these regulations, or, for securities brokers or dealers, the amount of net capital specified in Rule 17a-11(b) of the Securities and Exchange Commission (17 CFR 240.17a-11(b)), must file written notice to that effect as set forth in paragraph (g) of this section within five (5) business days of such event. Such applicant or registrant must also file a Form 1-FR (or, if such applicant or registrant is registered with the Securities and Exchange Commission as a securities broker or dealer, it may file (in accordance with § 1.10(h)) a copy of its Financial and Operational Combined Uniform Single Report under the Securities Exchange Act of 1934, Part II, in lieu of Form 1-FR) or such other financial statement designated by the Commission and/or the designated self-regulatory organization, if any, as of the close of business for the month during which such event takes place and as of the close of business for each month thereafter until three (3) successive months have elapsed during which the applicant's or registrant's adjusted net capital is at all times equal to or in excess of the minimums set forth in this paragraph (b) which are applicable to such applicant or registrant. Each financial statement required by this

paragraph (b) must be filed within 30 calendar days after the end of the month for which such report is being made.

2. 17 CFR Part 1 is amended further by revising paragraphs (a)(1), (c)(2)(v), (c)(4)(iv)(A) and (c)(4)(iv)(C), by redesignating paragraph (c)(4)(v) as paragraph (c)(4)(vi), by adding a new paragraph (c)(4)(v), by revising paragraphs (d)(1), (e) and (h)(2)(vi)(C), by revising paragraph (h)(2)(vii) and redesignating paragraph (h)(2)(vii) as paragraph (h)(2)(vii)(A), by adding a new paragraph (h)(2)(vii)(B), and by revising paragraphs (h)(2)(viii), (h)(3)(ii) and (h)(3)(v) of § 1.17 to read as follows:

§ 1.17 Minimum financial requirements—futures commission merchants.

(a)(1) Except as provided in paragraph (a)(2) of this section, each person registered as a futures commission merchant must maintain adjusted net capital equal to or in excess of the greatest of \$50,000 (\$100,000 for each person registered as a futures commission merchant who is not a member of a designated self-regulatory organization), or 4 percent of the funds required to be segregated pursuant to the Act and these regulations, or, for securities brokers and dealers, the amount of net capital required by Rule 15c3-1(a) of the regulations of the Securities and Exchange Commission (17 CFR 240.15c3-1(a)).

(c) * * *

(2) * * *

(v) Include fixed assets and assets which otherwise would be considered noncurrent to the extent of any long-term debt adequately collateralized by assets acquired for use in the ordinary course of the trade or business of an applicant or registrant and any other long-term debt adequately collateralized by assets of the applicant or registrant if the sole recourse of the creditor for nonpayment of such liability is to such asset: *Provided*, Such liabilities are not excluded from liabilities in the computation of net capital under paragraph (c)(4)(vi) of this section;

(4) * * *

(iv) * * *

(A) The aggregate amount resulting from applying to the amount of the deductions computed in accordance with paragraph (C)(5) of this section the appropriate Federal and State tax rate(s) applicable to any unrealized gain on the asset on which the deduction was computed;

*The Commission has determined that a registered FCM not be considered a "small entity" within the meaning of the Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1165, 1168 (5 U.S.C. 601(3) and (6)). See 47 FR 18618, 18619 [April 30, 1982].

(C) Any deferred tax liability related to unrealized appreciation in value of any asset(s) which has been otherwise excluded from current assets in accordance with the provisions of this section;

(v) Excludes any current tax liability related to income accrued which is directly related to an asset otherwise deducted pursuant to this section; and

(vi) Excludes liabilities which would be classified as long term in accordance with generally accepted accounting principles to the extent of the net book value of plant, property and equipment which is used in the ordinary course of any trade or business of the applicant or registrant which is a reportable segment of the applicant's or registrant's overall business activities, as defined in generally accepted accounting principles, other than in the commodity futures, commodity option, security and security option segments of the applicant's or registrant's business activities: *Provided*, That such plant, property and equipment is not included in current assets pursuant to paragraph (c)(2)(v) of this section.

(d) * * *

(1) Equity capital means a satisfactory subordination agreement entered into by a partner or stockholder which has an initial term of at least 3 years and has a remaining term of not less than 12 months if: (A) It does not have any of the provisions for accelerated maturity provided for by paragraphs (h)(2)(ix)(A), (h)(2)(x)(A), or (h)(2)(x)(B) of this section, or the provisions allowing for special prepayment provided for by paragraph (h)(2)(vii)(B) of this section, and is maintained as capital subject to the provisions restricting the withdrawal thereof required by paragraph (e) of this section, or (B)—the partnership agreement provides that capital contributed pursuant to a satisfactory subordination agreement as defined in paragraph (h) of this section shall in all respects be partnership capital subject to the provisions restricting the withdrawal thereof required by paragraph (e) of this section, and

(e) No equity capital of the applicant or registrant or a subsidiary's or affiliate's equity capital consolidated pursuant to paragraph (f) of this section, whether in the form of capital contributions by partners (including amounts in the commodities, options and securities trading accounts of partners which are treated as equity capital but excluding amounts in such trading accounts which are not equity capital and excluding balances in limited partners' capital accounts in

excess of their stated capital contributions), par or stated value of capital stock, paid-in capital in excess of par or stated value, retained earnings or other capital accounts, may be withdrawn by action of a stockholder or partner or by redemption or repurchase of shares of stock by any of the consolidated entities or through the payment of dividends or any similar distribution, nor may any unsecured advance or loan be made to a stockholder, partner, sole proprietor, or employee if, after giving effect thereto and to any other such withdrawals, advances, or loans and any payments of payment obligations (as defined in paragraph (h) of this section) under satisfactory subordination agreements and any payments of liabilities excluded pursuant to paragraph (c)(4)(vi) of this section which are scheduled to occur within six months following such withdrawal, advance or loan, either adjusted net capital of any of the consolidated entities would be less than the greatest of 120 percent of the appropriate minimum dollar amount required by § 1.17 or 7 percent of the amount required to be segregated pursuant to the Act and these regulations or, for securities brokers or dealers, the amount of net capital specified in Rule 15c3-1(e) of the Securities and Exchange Commission (17 CFR 240.15c3-1(e)), or in the case of any applicant or registrant included within such consolidation, if equity capital of the applicant or registrant (inclusive of satisfactory subordination agreements which qualify as equity under paragraph (d) of this section) would be less than 30 percent of the required debt-equity total as defined in paragraph (d) of this section: *Provided*, That this provision shall not preclude an applicant or registrant from making required tax payments or preclude the payment to partners of reasonable compensation. The Commission may, upon application of the applicant or registrant, grant relief from this paragraph (e) if the Commission deems it to be in the public interest or for the protection of nonproprietary accounts.

(h) * * *

(2) * * *

(vi) * * *

(C) The secured demand note agreement may also provide that, in lieu of the procedures specified in the provisions required by paragraph (h)(2)(vi)(B) of this section, the lender, with the prior written consent of the applicant or registrant and the designated self-regulatory organization, or, if the applicant or registrant is not a

member of a designated self-regulatory organization, then the Commission, may reduce the unpaid principal amount of the secured demand note: *Provided*, That after giving effect to such reduction the adjusted net capital of the applicant or registrant would not be less than the greater of 7 percent of the funds required to be segregated pursuant to the Act and these regulations, or, for securities brokers or dealers, the amount of net capital specified in Rule 15c3-1d(B)(6)(iii) of the regulations of the Securities and Exchange Commission (17 CFR 240.15c3-1d(b)(6)(iii)): *Provided, further*, That no single secured demand note shall be permitted to be reduced by more than 15 percent of its original principal amount and after such reduction no excess collateral may be withdrawn. No designated self-regulatory organization shall consent to a reduction of the principal amount of a secured demand note if, after giving effect to such reduction, adjusted net capital would be less than 120 percent of the appropriate minimum dollar amount required by this section.

(vii) *Permissive prepayments and special prepayments.* (A) An applicant or registrant at its option, but not at the option of the lender, may, if the subordination agreement so provides, make a payment of all or any portion of the payment obligation thereunder prior to the scheduled maturity date of such payment obligation (hereinafter referred to as a "prepayment"), but in no event may any prepayment be made before the expiration of one year from the date such subordination agreement became effective: *Provided, however*, That the foregoing restriction shall not apply to temporary subordination agreements which comply with the provisions of paragraph (h)(3)(v) of this section nor shall it apply to "special prepayments" made in accordance with the provisions of paragraph (h)(2)(vii)(B) of this section. No prepayment shall be made if, after giving effect thereto (and to all payments of payment obligations under any other subordinated agreements then outstanding, the maturity or accelerated maturities of which are scheduled to fall due within six months after the date such prepayment is to occur pursuant to this provision, or on or prior to the date on which the payment obligation in respect to such prepayment is scheduled to mature disregarding this provision, whichever date is earlier) without reference to any projected profit or loss of the applicant or registrant, the adjusted net capital of the applicant or registrant is less than the greater of 7 percent of the funds required to be segregated pursuant to the Act and

these regulations or, for securities brokers or dealers, the amount of net capital specified in Rule 15c3-1d(b)(7) of the regulations of the Securities and Exchange Commission (17 CFR 240.15c3-1d(b)(7)), or its adjusted net capital is less than 120 percent of the appropriate minimum dollar amount required by this section. Notwithstanding the above, no prepayment shall occur without the prior written approval of the designated self-regulatory organization and the Commission.

(B) An applicant or registrant at its option, but not at the option of the lender, may, if the subordination agreement so provides, make a payment at any time of all or any portion of the payment obligation thereunder prior to the scheduled maturity date of such payment obligation (hereinafter referred to as a "special prepayment"). No special prepayment shall be made if, after giving effect thereto (and to all payments of payment obligations under any other subordinated agreements then outstanding, the maturity or accelerated maturities of which are scheduled to fall due within six months after the date such special prepayment is to occur pursuant to this provision, or on or prior to the date on which the payment obligation in respect to such special prepayment is scheduled to mature disregarding this provision, whichever date is earlier) without reference to any projected profit or loss of the applicant or registrant, the adjusted net capital of the applicant or registrant is less than the greater of 10 percent of the funds required to be segregated pursuant to the Act and these regulations or, for securities brokers or dealers, the amount of net capital specified in Rule 15c3-1d(c)(5)(ii) of the regulations of the Securities and Exchange Commission (17 CFR 240.15c3-1d(c)(5)(ii)), or its adjusted net capital is less than 200 percent of the appropriate minimum dollar amount required by this section, nor shall any special prepayment be made if pre-tax losses during the latest three-month period were greater than 15 percent of current excess adjusted net capital. Notwithstanding the above, no prepayment shall occur without the prior written approval of the designated self-regulatory organization and the Commission.

(viii) *Suspended repayment.* (A) The payment obligation of the applicant or registrant in respect of any subordination agreement shall be suspended and shall not mature if, after giving effect to payment of such payment obligation (and to all payments of payment obligations of the applicant or registrant under any other

subordination agreement(s) then outstanding which are scheduled to mature on or before such payment obligation), the adjusted net capital of the applicant or registrant would be less than the greater of 6 percent of the funds required to be segregated pursuant to the Act and these regulations or, for securities brokers or dealers, the amount of net capital specified in Rule 15c3-1d(b)(8)(i) of the regulations of the Securities and Exchange Commission (17 CFR 240.15c3-1d(b)(8)(i)), or its adjusted net capital would be less than 120 percent of the minimum dollar amount required by this section:

Provided, That the subordination agreement may provide that if the payment obligation of the applicant or registrant thereunder does not mature and is suspended as a result of the requirement of this paragraph (h)(2)(viii) of this section for a period of not less than six months, the applicant or registrant shall then commence the rapid and orderly liquidation of its business, but the right of the lender to receive payment, together with accrued interest or compensation, shall remain subordinate as required by the provisions of this section.

(3) * * *

(ii) *Notice of maturity or accelerated maturity.* Every applicant or registrant shall immediately notify the designated self-regulatory organization and the Commission if, after giving effect to all payments of payment obligations under subordination agreements then outstanding which are then due or mature within the following six months without reference to any projected profit or loss of the applicant or registrant, its adjusted net capital would be less than 120 percent of the minimum dollar amount required by this section, or its adjusted net capital would be less than the greater of 6 percent of the funds required to be segregated pursuant to the Act and these regulations or, for securities brokers or dealers, the amount of net capital specified in Rule 15c3-1d(c)(2) of the regulations of the Securities and Exchange Commission (17 CFR 240.15c3-1d(c)(2)).

(v) *Temporary Subordinations.* To enable an applicant or registrant to participate as an underwriter of securities or undertake other extraordinary activities and remain in compliance with the adjusted net capital requirements of this section, an applicant or registrant shall be permitted, on no more than 3 occasions in any 12-month period, to enter into a subordination agreement on a temporary basis which has a stated term

of no more than 45 days from the date the subordination agreement became effective: *Provided*, That this temporary relief shall not apply to any applicant or registrant if the adjusted net capital of the applicant or registrant is less than the greater of 7 percent of the funds required to be segregated pursuant to the Act and these regulations or, for securities brokers or dealers, the amount of net capital specified in Rule 15c3-1d(c)(5)(i) of the Securities and Exchange Commission (17 CFR 240.15c3-1d(c)(5)(i)), or its adjusted net capital is less than 120 percent of the appropriate minimum dollar amount required by this section, or the amount of equity capital as defined in paragraph (d) of this section is less than the limits specified in paragraph (d) of this section. Such temporary subordination agreement shall be subject to all the other provisions of this section.

Issued in Washington, D.C. on May 18, 1982, by the Commission.

Jane K. Stuckey,
Secretary of the Commission.

[FR Doc. 82-14072 Filed 5-21-82; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 200, 230, 239 and 274

[Release Nos. 33-6402, IC-12434; File No. S7-919]

Revised Procedures for Processing Post-Effective Amendments Filed by Separate Accounts of Insurance Companies

AGENCY: Securities and Exchange Commission.

ACTION: Final rule and amendments to rules and forms.

SUMMARY: The Securities and Exchange Commission today is adopting a rule which would permit most post-effective amendments to registration statements filed by insurance company separate accounts to become effective automatically, without affirmative action by the Commission or its staff. The new rule will eliminate staff review of certain routine filings by insurance company separate accounts, and will result in such registrants assuming greater responsibility for their compliance with the disclosure requirements of the federal securities laws whether or not the filings are reviewed by the staff. The Commission is also adopting an amendment to the rule governing automatic effectiveness of post-effective amendments to registration statements filed by open-

end management investment companies and unit investment trusts other than insurance company separate accounts. This amendment provides such investment company registrants with greater flexibility in designating the effective date of certain filings.

In connection with the foregoing, the Commission is adopting amendments to the registration statement forms for securities of open-end management investment companies and unit investment trusts and to its Rules of Organization and Program Management. The amendments to the registration statement forms provide a format for registrants to specify the rule pursuant to which their post-effective amendments will become effective automatically, and within certain limitations, to choose an effective date. Finally, the amendment to the Commission's Rules of Organization and Program management delegates to the staff the authority to advance the effective date of post-effective amendments filed pursuant to the new rule and to suspend automatic effectiveness under the circumstances specified in the rule.

EFFECTIVE DATE: June 14, 1982.

FOR FURTHER INFORMATION CONTACT: Melville B. Cox, Jr., Branch Chief, (202) 272-2060, Thomas P. Lemke, Acting Special Counsel, (202) 272-2060, or Aviva L. Grossman, Law Clerk, (202) 272-2098 Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: On January 11, 1982, the Commission published for comment proposed rule 486¹ under the Securities Act of 1933 ("1933 Act") (15 U.S.C. 77a et seq.).² The Commission also proposed an amendment to paragraph (a) of rule 485³ (17 CFR 230.485) under 1933 Act and related amendments to Form S-6 (17 CFR 239.16) under the 1933 Act and Form N-1 (17 CFR 239.15, 17 CFR 274.11) under the 1933 Act and the Investment Company Act of 1940 ("1940 Act") (15 U.S.C. 80a-1 et seq.). Concurrently, the Commission requested comment on issues related to its consideration of whether to permit the inclusion of

policyholder ratings assigned to insurance companies by nationally recognized rating organizations in registration statements and post-effective amendments filed by insurance company separate accounts. Specific comment was requested on whether the disclosure of policyholder ratings in registration statements should be treated similarly to the disclosure of security ratings under rule 436(g) under the 1933 Act (17 CFR 230.436(g)).⁴

The Commission received four letters of comment regarding the proposals.⁵ All of the commentators supported the proposed rule and related amendments. However, one of the commentators strongly opposed the inclusion of policyholder ratings in registration statements and post-effective amendments of insurance company separate accounts. This commentator asserted that policyholder ratings are not relevant to a decision to buy a variable annuity or variable life insurance policy funded by an insurance company separate account and, further, that disclosure of such ratings may serve to mislead investors.

The Commission believes that it should give further consideration to the questions related to whether and to what extent disclosure of policyholder ratings should be permitted in filings of separate accounts and that any action regarding this matter, accordingly, should be deferred. However, action relating to rule 486 and the other rule and form amendments should not be delayed pending consideration of this matter. Therefore, the Commission today is adopting rule 486 and the related amendments as proposed. Moreover, as stated in the release proposing rule 486, the Commission is adopting an amendment to rule 30-5 of its rules of Organization and Program Management, delegating to the Director of the Division of Investment Management the authority to advance

the effective date or suspend automatic effectiveness of post-effective amendments filed pursuant to rule 486.

The new rule will permit most post-effective amendments to registration statements of insurance company separate accounts, as defined in section 2(a)(37) of the 1940 Act (15 U.S.C. 80a-2(a)(37)), to become effective automatically. Under paragraph (b) of rule 486, if certain conditions are satisfied, post-effective amendments filed by separate accounts on Form N-1 or Form S-6 will become effective either immediately upon filing with the Commission or on a date within twenty days from the date of filing, as designated by the registrant. The staff will not review or comment on these filings prior to their effectiveness. All other post-effective amendments filed by separate accounts will still be subject to staff review but, pursuant to paragraph (a) of the rule, will normally become effective automatically either sixty days after filing or on a date no later than eighty days after filing, as designated by the registrant. Post-effective amendments within this category include those that contain disclosure concerning a material event affecting the registrant which has occurred since the latest of three dates: the effective date of the separate account's registration statement, the effective date of its most recent post-effective amendment containing a prospectus, or the filing date of a post-effective amendment that has not yet become effective.

Some of the events that the Commission considers material are listed in paragraph (b) of the rule. However, the list is not intended to be exhaustive, and a post-effective amendment would have to be filed under paragraph (a) of the rule if it disclosed any other event that in the judgment of the registrant was material. The events listed in paragraph (b) are similar to those included in rule 485, with some variations because of the special circumstances of separate accounts. In particular, rule 486(b)(2)(vii) includes as a material event any change, including but not limited to a change in the operations of the separate account or in the rights of security holders, that would require the registrant to apply for exemptive relief under the 1940 Act or any event for which approval by the Commission would be required under section 11 or section 26(b) (15 U.S.C. 80a-26(b)) of the 1940 Act. A second distinction is found in paragraph (B)(2)(vi) of rule 486, which specifies that any substitution of securities held by a separate account organized as a

¹As recently amended, rule 436(g) under the 1933 Act provides that certain security ratings prepared by nationally recognized statistical rating organizations are not deemed part of a registration statement prepared or certified by a person or a report or valuation prepared or certified by a person within the meaning of sections 7 and 11 of the 1933 Act (15 U.S.C. 77(g) and 77(k)). Under this provision, nationally recognized statistical rating organizations that assign security ratings to classes of debt securities, convertible debt securities and preferred stock are not required to consent to the use of such ratings under section 7 of the 1933 Act and are exempt from liability as experts under section 11 of the 1933 Act.

²Two additional letters regarding the proposals were filed with the Commission after the close of the comment period. These letters are not discussed herein. However, it is noted that both letters principally addressed the question of policyholder ratings and neither opposed the proposals being adopted today.

³When proposed, the new rule was designated 486. However, during the interim between the rule's proposal and adoption, Regulation C under the 1933 Act, of which the rule is a part, was revised. See Securities Act Release No. 6383 (March 3, 1982) [47 FR 11819, March 19, 1982]. As a result of this revision, the designation of the rule has been changed to 486.

⁴Securities Act Release No. 6376 (January 11, 1982) [47 FR 3130, January 22, 1982].

⁵This rule was previously designated 465. See Securities Act Release No. 6383, note 1, *supra*.

unit investment trust is a material event, whereas paragraph (b)(2)(vi) of rule 485 provides that substitutions of portfolio securities by other unit investment trusts are not automatically deemed to be material unless they involve five percent or more of the trust's net assets. Finally, while both rules contain provisions relating to the resignation of directors of and accountants for the registrant, in the case of separate accounts these provisions could, under appropriate circumstances, be triggered by the resignation of a director of or accountant for the insurance company as well.

New rule 486, like existing rule 485, provides that, if it appears to the Commission that a post-effective amendment filed pursuant to rule 486(a) may be incomplete or inaccurate in any material respect, the operation of the automatic effectiveness provision may be suspended upon written notice to the registrant. Should the automatic effectiveness provision be suspended with respect to a particular post-effective amendment, the amendment would not become effective until it was so declared by the Commission in accordance with section 8(c) of the 1933 Act (15 U.S.C. 77h(c)). A hearing would be held if the registrant so requested.*

The amendment to rule 485 provides registrants filing post-effective amendments pursuant to paragraph (a) of that rule with greater flexibility to set an effective date in accordance with their needs. Specifically, the amendment permits registrants filing pursuant to rule 485(a) to designate an effective date later than the sixtieth day after filing so long as such date is no later than eighty days after filing. Rule 485 will thus be identical to rule 486 in this respect. The amendments to Forms N-1 and S-6 facilitate the implementation of rule 486 and the amendment to rule 485 by requiring registrants filing post-effective amendments on either form to specify the rule pursuant to which their amendments will become effective and permitting them, at their option, to designate an effective date as permitted by those rules.

List of Subjects

Part 200

Administrative practice and procedure, Freedom of information, Privacy, and Securities.

Part 230

Reporting requirements and Securities.

*For a more detailed discussion of rule 486 and the procedures relating thereto, see Securities Act Release No. 6376, note 2 *supra*.

Part 239

Reporting requirements and Securities.

Part 274

Investment companies, Reporting requirements and Securities.

Text of Amendment to Rule 30-5

I. Part 200 of Chapter II of Title 17 of the Code of Federal Regulations is amended as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Subpart A—Organization and Program Management

By revising paragraph (b-2) of § 200.30-5 to read as follows:

§ 200.30-5 Delegation of Authority to Director of Division of Investment Management.

(b-2) With respect to post-effective amendments filed pursuant to paragraph (a) of rule 485 under the Act (17 CFR 230.485(a)) and post-effective amendments filed pursuant to paragraph (a) of rule 486 under the Act (17 CFR 230.486(a)):

- (1) To suspend the operation of said paragraphs and to issue written notices to registrants of such suspensions;
- (2) To determine such amendments to be effective within shorter periods of time than the sixtieth day after the filing thereof.

Text of Rule 486 and Amendments to Rule 485 and to Form N-1 and Form S-6

II. Part 230 of Chapter II of Title 17 of the Code of Federal Regulations is hereby amended as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

1. By adding new § 230.486 as follows:

§ 230.486 Effective date of post-effective amendments filed by registered separate accounts of insurance companies.

(a) Except as otherwise provided in this section, a post-effective amendment to a registration statement for an offering of securities by a registered separate account as defined in section 2(a)(37) of the Investment Company Act of 1940 [15 U.S.C. 80a-2(a)(37)] shall become effective on the sixtieth day after the filing thereof, or such later date designated by the registrant on the facing sheet of the amendment which date shall not be later than eighty days after the date on which the amendment is filed, *Provided*, That the Commission,

having due regard to the public interest and the protection of investors, may declare an amendment filed pursuant to this paragraph effective on an earlier date.

(b) Except as otherwise provided in this section, a post-effective amendment to a registration statement for an offering of securities by a registered separate account as defined in section 2(a)(37) of the Investment Company Act of 1940 [15 U.S.C. 80a-2(a)(37)] shall become effective on the date upon which it is filed with the Commission, or such later date designated by the registrant on the facing sheet of the amendment, which date shall not be later than twenty days after the date on which the amendment is filed, *Provided*, That the following conditions are met:

(1) It is filed for no purpose other than one or more of the following:

(i) Increasing the number or amount of securities proposed to be offered pursuant to section 24(e)(1) of the Investment Company Act of 1940 [15 U.S.C. 80-24(e)(1)];

(ii) Registering an indefinite number or amount of securities pursuant to section 24(f) of the Investment Company Act of 1940 [15 U.S.C. 80a-24(f)] and Rule 24f-2 thereunder (17 CFR 270.24f-2); and

(iii) Bringing the financial statements and other information up to date pursuant to section 10(a)(3) of the Act [15 U.S.C. 77(a)(3)] and, in conjunction therewith, making such other nonmaterial changes as the registrant deems appropriate;

(2) Any prospectus filed as a part of such amendment does not include disclosure relating to any of the following events to the extent that such events have occurred since the effective date of the registrant's registration statement or the effective date of its most recent post-effective amendment thereto which included a prospectus, whichever is later, unless such events are disclosed in a post-effective amendment filed pursuant to paragraph (a) of this section which has not yet become effective:

(i) Termination of an investment advisory contract;

(ii) A change in the registrant's investment objectives, in any of its policies listed in section 8(b)(1) of the Investment Company Act of 1940 [15 U.S.C. 80a-8(b)(1)], or in any other investment policy which the registrant deems fundamental or which, pursuant to section 13 of the Investment Company Act of 1940 (15 U.S.C. 80a-13), is changeable only by shareholder vote;

(iii) Suspension of sales or redemptions of securities issued by the registered separate account;

(iv) Resignation of any of the registered separate account's or insurance company's directors, unless the registrant represents that such director did not resign due to disagreement with the registrant on any matter relating to the separate account's operations, policies or practices;

(v) A change in the registered separate account's or insurance company's independent public accountant, unless the registrant represents that there were no disagreements with the former accountant on any matter of accounting principles or practices or financial statement disclosures pertaining to the separate account;

(vi) If the separate account is organized as a unit investment trust, any substitution of securities held by the trust; or

(vii) Any change, including, but not limited to, a change in the operations of the separate account or in the rights of security holders, that requires the registrant to apply for exemptive relief under the Investment Company Act of 1940, or an event for which approval by the Commission is required under sections 11 or 26(b) of the Investment Company Act of 1940 [15 U.S.C. 80a-11, 26(b)];

(3) The registrant represents that no material event requiring disclosure in the prospectus, other than one listed in paragraph (b)(1) of this section, has occurred since the latest of three dates; (i) the effective date of the separate account's registration statement, (ii) the effective date of its most recent post-effective amendment to its registration statement which included a prospectus; or (iii) the filing date of a post-effective amendment filed pursuant to paragraph (a) of this section which has not yet become effective; and

(4) Such amendment recites on the facing sheet thereof that the registrant proposes that the amendment will become effective pursuant to paragraph (b) of this section.

(c) No amendment shall become effective pursuant to paragraph (a) of this section if, prior to the effective date of such amendment, it should appear to the Commission that the amendment may be incomplete or inaccurate in any material respect, and the Commission furnishes to the registrant written notice that the effective date of the amendment is to be suspended. Following such action by the Commission, the registrant may file with the Commission at any time a petition for review of the suspension. The Commission will order

a hearing on the matter if a request for such a hearing is included in the petition. If the Commission has suspended the effective date of an amendment, the amendment shall become effective on such date as the Commission may determine, having due regard to the public interest and the protection of investors.

(d) (1) Except as provided in paragraph (d)(2) of this section a post-effective amendment which includes a prospectus shall not become effective pursuant to paragraph (a) of this section if a subsequent post-effective amendment relating to such prospectus is filed before such amendment becomes effective.

(2) A post-effective amendment which includes a prospectus shall become effective pursuant to paragraph (a) of this section notwithstanding the filing of a subsequent post-effective amendment relating to such prospectus. *Provided*, That such subsequent amendment is filed pursuant to paragraph (b) of this section. *And further provided*, That such subsequent amendment designates as its effective date the date on which the prior post-effective amendment shall become effective pursuant to paragraph (a) of this section. If another post-effective amendment relating to the same prospectus is filed pursuant to paragraph (a) of this section before the prior amendments filed pursuant to paragraphs (a) and (b) of this section have become effective, neither the prior amendment filed pursuant to paragraph (a) of this section nor the amendment filed pursuant to paragraph (b) of this section shall become effective pursuant to this section.

(e) The representations of the registrant referred to in paragraphs (b)(2)(iv), (b)(2)(v) and (b)(3) of this section shall be made by certification on the signature page of the post-effective amendment that such amendment meets all of the requirements for effectiveness pursuant to paragraph (b) of this section. If counsel prepared or reviewed the post-effective amendment filed pursuant to paragraph (b) of this section, such counsel shall furnish to the Commission at the time the amendment is filed a written representation that the amendment does not contain disclosures which would render it ineligible to become effective pursuant to paragraph (b).

2. By revising paragraph (a) of § 230.485 to read as follows:

§ 230.485 Effective date of post-effective amendments filed by certain registered investment companies.

(a) Except as otherwise provided in this section, a post-effective amendment

to a registration statement filed by a registered open-end management investment company or unit investment trust, other than a registered separate account as defined in section 2(a)(37) of the Investment Company Act of 1940 [15 U.S.C. 80a-2(a)(37)], shall become effective on the sixtieth day after the filing thereof, or such later date designated by the registrant on the facing sheet of the amendment, which date shall not be later than eighty days after the date on which the amendment is filed. *Provided*, That the Commission, having due regard to the public interest and the protection of investors, may declare an amendment filed pursuant to this paragraph effective on an earlier date.

III. Parts 239 and 274 of Chapter II of Title 17 of the Code of Federal Regulations are hereby amended by:

1. Amending the facing sheet of Form N-1, and amending the signature page of Form N-1 as follows:

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

§ 239.15 Form N-1 for open-end management investment companies registered on Form N-8A.

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

§ 274.11 Form N-1, registration statement of open-end management investment companies.

1. Amendment to facing sheet. After "Approximate Date of Proposed Public Offering" remove the following language:

☐ Check box if it is proposed that this filing will become effective (immediately upon filing or on (date)) pursuant to paragraph (b) of Rule 485. and add:

It is proposed that this filing will become effective (check appropriate box)

☐ immediately upon filing pursuant to paragraph (b)
☐ on (date) pursuant to paragraph (b)
☐ 60 days after filing pursuant to paragraph (a)
☐ on (date) pursuant to paragraph (a) of rule (485 or 486).

2. Amendment to signature page. The first textual paragraph under "SIGNATURES" is amended as follows:

Pursuant to the requirements of the Securities Act of 1933 (and) (or) the Investment Company Act of 1940 the Registrant (certifies that it meets all of the requirements for effectiveness of this

Registration Statement pursuant to rule (485(b) or 486(b)) under the Securities Act of 1933 and) has duly caused this Registration Statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of _____, and State of _____,

on the _____ day of _____, 19____.

3. Amending the facing sheet of Form S-6 and 4, amending the signature page of Form S-6 as follows:

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

§ 239.16 Form S-6, for unit investment trusts registered on Form N-8B-2.

3. Amendment to facing sheet, After "Name and address of agent for service" remove:

☐ Check box if it is proposed that this filing will become effective (immediately upon filing or on (date)) pursuant to paragraph (b) of Rule 485.

and add:

It is proposed that this filing will become effective (check appropriate box)

- ☐ immediately upon filing pursuant to paragraph (b)
☐ on (date) pursuant to paragraph (b)
☐ 60 days after filing pursuant to paragraph (a)
☐ on (date) pursuant to paragraph (a) of rule (485 or 486).

2. Amendment to signature page. The first textual paragraph under "SIGNATURES" is amended as follows:

Pursuant to the requirements of the Securities Act of 1933, the registrant, * * * (certifies that it meets all of the requirements for effectiveness of this Registration Statement pursuant to rule (485(b) or 486(b)) under the Securities Act of 1933 and) has duly caused this registration statement to be signed on its behalf by the undersigned thereunto duly authorized, and its seal to be hereunto affixed and attested, all in the City of _____, and State of _____, on the _____ day of _____, 19____.

Statutory Authority

The Commission hereby adopts rule 486 and amendments to rule 485, Form N-1, and Form S-6 pursuant to the provisions of sections 7, 8 and 19(a) of the Securities Act of 1933 (15 U.S.C. 77g, 77h and 77s(a)) and sections 8 and 38(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-8 and 80a-37(a)). Further, the Commission hereby amends rule 30-5 pursuant to authority contained in the Act of August 30, 1962, Pub. L. No. 87-592, 76 Stat. 394 (15 U.S.C. 78d-1, 78d-2) and section 38 of the Investment

Company Act of 1940 (15 U.S.C. 80a-37).

By the Commission.

George A. Fitzsimmons,

Secretary.

May 14, 1982.

[FR Doc. 82-12811 Filed 5-21-82; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 6a

[T. D. 7817]

Income tax; Modification of Regulations Relating to Mortgage Subsidy Bonds

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary income tax regulations relating to the tax-exempt status of interest on mortgage subsidy bonds. These regulations affect all purchasers and governmental issuers of tax-exempt housing bonds. The changes made by these regulations are necessary to modify certain provisions contained in the present temporary regulations.

DATE: These temporary regulations are effective for governmental obligations issued after April 24, 1979.

FOR FURTHER INFORMATION CONTACT: Harold T. Flanagan of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3294).

SUPPLEMENTARY INFORMATION:

Background

This document contains amendments to the temporary regulations relating to mortgage subsidy bonds under section 103A of the Internal Revenue Code of 1954. These amendments modify Treasury Decision 7780, published in the Federal Register for July 1, 1981 (46 FR 34311), which provided regulations under section 103A of the Code. Section 103A was enacted by the Omnibus Reconciliation Act of 1980 (Pub. L. 96-499, 94 Stat. 2860). The temporary regulations provided by this document will remain in effect until superseded by final regulations on this subject.

Explanation of Provisions

Section 103A of the Internal Revenue Code of 1954 provides that a mortgage subsidy bond shall be treated as an obligation not described in section

103(a) (1) or (2). As such, the interest on a mortgage subsidy bond is not excludable from gross income. However, under section 103A(b)(2) a qualified mortgage bond and a qualified veterans' mortgage bond shall not be treated as a mortgage subsidy bond, and the interest thereon is excludable from gross income.

Presently, § 6a.103A-2(b)(5)(iii) provides that the population of all areas of chronic economic distress may not exceed 20 percent of the total State population. The amendment provided by this Treasury decision deletes this restriction.

The temporary regulations under § 6a.103A-2(b)(5)(vi) are amended so as to clarify that, other than for purposes of determining the amount of proceeds which are required to be used for residences in areas of chronic economic distress or for purposes of the extended temporary period, an area of chronic economic distress which is approved within 3 months prior to the date of issue or after the date of issue may be taken into account for an obligation.

Evaluation of the effectiveness of these regulations will be based on comments received from offices within the Treasury and the Internal Revenue Service, other governmental agencies, and the public.

Non-Application of Executive Order 12291

The Treasury Department has determined that this temporary regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 28, 1982.

Drafting Information

The principal author of these temporary regulations is Harold T. Flanagan of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

List of Subjects in 26 CFR Part 6a

Bonds, Income taxes, Mortgages, Veterans.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 6a is amended as follows:

PART 6a—TEMPORARY REGULATIONS UNDER TITLE II OF THE OMNIBUS RECONCILIATION ACT OF 1980

Section 6a.103A-2 is amended by removing the first sentence in the flush material under subdivision (D) of paragraph (b)(5)(iii) and by adding new provisions at the end of paragraph (b)(5)(vi). The added provisions read as follows:

§ 6a.103A-2 Qualified mortgage bond.

(b) Definitions and special rules

(5) Areas of chronic economic distress.

(vi) * * * Residences located in areas designated as areas of chronic economic distress approved in accordance with this subparagraph within such 3-month period or after the date of issue, however, may be treated as targeted area residences. However, for purposes of paragraph (h)(2), relating to the specified portion of proceeds to be placed in targeted areas, and paragraph (i)(3)(ii)(A), relating to the 1½ year temporary period, only areas approved as areas of chronic economic distress in accordance with this subparagraph at the time of issue may be taken into consideration.

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: May 14, 1982.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 82-14126 Filed 5-19-82; 4:53 pm]

BILLING CODE 4930-01-M

Office of Foreign Assets Control

31 CFR Part 535

Iranian Assets Control Regulations: Survey of Tangible Property in Which Iran Has An Interest

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control is amending the Iranian Assets Control Regulations to require that tangible property census reports (Forms TFR-625) be filed no later than July 1, 1982 by any person subject to the jurisdiction of the United States who has an interest in, or who, between November 14, 1979, and January 19, 1981, had in his custody, control or possession, tangible property in which there was or is any interest of Iran or an Iranian entity. The purpose of this census is to provide the United States Government with information it may use in promoting the resolution of disputes with Iran, preparing submissions to the Iran-United States Claims Tribunal, and formulating appropriate policies to deal with tangible properties.

EFFECTIVE DATE: May 20, 1982. In accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. 3507, the information collection requirements of Form TFR-625 which are imposed by this final rule have been or will be submitted for approval to the Office of Management and Budget (OMB). Form TFR-625 is not effective until OMB approval has been obtained.

FOR FURTHER INFORMATION CONTACT: Loren Dohm, Chief, Census Unit, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220, Tel.: (202) 376-0968.

SUPPLEMENTARY INFORMATION: Copies of Form TFR-625, "Report on Tangible Property in Which Iran Has An Interest," are being sent to persons who have submitted materials to, or made inquiries of, the Office of Foreign Assets Control indicating that they have an interest in or control over such property. Other persons required to report or otherwise interested in obtaining copies of the form and instructions may do so from the nearest regional Federal Reserve Bank or from the Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220.

Forms are to be completed in triplicate and two copies are to be returned in a set to Unit 825, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220 by July 1, 1982. Reporting under these sections is mandatory. Observance of the filing deadline is very important.

Persons required to report on Form TFR-625 include, but are not limited to, all persons who reported holding tangible property as of March 31, 1980, on Treasury Department Form TFR-615, "Census of Blocked Iranian Assets." Form TFR-625 should be filed not only as to tangible property currently held by U.S. persons but also as to any such property which was formerly held and

has since been transferred to Iran or has been the subject of other disposition pursuant to Treasury license or otherwise.

Reports filed on TFR-625 are regarded as privileged and confidential. This census requirement is informational in nature, and the Treasury Department does not regard statements made on Form TFR-625, in and of themselves, to be determinative of ownership rights to reported property. For example, the reporting of an asserted Iranian interest in property does not constitute a recognition on the part of the reporter of the validity of such an interest. Statements made on TFR-625 are without prejudice to the reporter's right to assert or contest interests in reported property or to make claims relating to such property in an appropriate forum.

The information from the census may be used as background to discussions with the Government of Iran concerning implementation of the January 19, 1981 Algiers Accords and in preparation of United States submissions to the Iran-United States Claims Tribunal. In appropriate cases, certain information collected on this census may be shared with Iran or included in submissions to the Claims Tribunal.

Since this amendment involves a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Similarly, because the regulation is issued with respect to a foreign affairs function of the United States, it is not subject to Executive Order 12291 of February 17, 1981, dealing with federal regulation.

List of Subjects in 31 CFR Part 535

Iran, Foreign assets control.

PART 535—IRANIAN ASSETS CONTROL REGULATIONS

31 CFR Part 535 is amended as follows:

Section 535.625 is added as follows:

§ 535.625 Reports on Form TFR-625.

(a) *Requirement for report.* Reports on Form TFR-625 are hereby required to be filed on or before July 1, 1982, in the manner prescribed herein, with respect to all tangible property subject to the jurisdiction of the United States or in the possession or control of any person subject to the jurisdiction of the United States at any time between November 14, 1979, and January 19, 1981, in which Iran or an Iranian entity has or has had any interest or asserted interest.

(b) *Who must report.* Reports on Form TFR-625 must be filed by any person, or the successor to such person, subject to the jurisdiction of the United States who has an interest in, or who, between November 14, 1979, and January 19, 1981, had in his custody, control, or possession, directly or indirectly, in trust or otherwise, tangible property in which there was or is any direct or indirect interest or an asserted interest of Iran or an Iranian entity. This includes, but is not limited to, all persons who reported holding tangible property as of March 31, 1980 on Treasury Department Form TFR-615, "Census of Blocked Iranian Assets."

(c) *Filing Form TFR-625.* Reports on Form TFR-625 shall be prepared in triplicate. On or before July 1, 1982, two copies shall be sent in a set to Unit 625, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220. The third copy must be retained with the reporter's records.

(d) *Certification.* Every report on Form TFR-625 shall contain the certification required in Part D of the Form. Failure to complete the certification shall render the report ineffective, and the submission of such a report shall not constitute compliance with this section.

(e) *Confidentiality of reports.* Reports on Form TFR-625 are regarded as privileged and confidential.

(Secs. 201-207, 91 Stat. 1626, 50 U.S.C. 1701-1706; E.O. No. 12170, 44 FR 65729; E.O. No. 12205, 45 FR 24099; E.O. No. 12211, 45 FR 26605; E.O. No. 12276, 46 FR 7913; E.O. No. 12279, 46 FR 7919; E.O. No. 12280, 46 FR 7921; E.O. No. 12281, 46 FR 7923; E.O. No. 12282, 46 FR 7925; and E.O. No. 12294, 46 FR 14111)

Dated: May 20, 1982.

Raymond W. Konan,
Chief Counsel, Acting Director.

Approved:

John M. Walker, Jr.,
Assistant Secretary.

[FR Doc. 82-14209 Filed 5-20-82; 4:27 pm]
BILLING CODE 4810-25-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-2115-2]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: On August 31, 1981, the Illinois Environmental Protection Agency (IEPA) submitted a revision to

the Illinois State Implementation Plan (SIP) to the EPA in the form of a July 9, 1981 Order of the Illinois Pollution Control Board (IPCB) R77-15 amending Chapter 2 of the IPCB Rules and Regulations by establishing Rule 204(c)(1)(E). Rule 204(c)(1)(E) establishes sulfur dioxide (SO₂) emission limitations for solid fuel combustion sources having actual heat input not greater than 250 million BTU's per hour owned or operated by Bemis Company, Inc., Celotex Corporation or Sherex Corporation. The limit established by Rule 204(c)(1)(E) is 5.5 lbs SO₂/MMBTU. On November 17, 1981 IEPA submitted additional information in support of the proposed revision. EPA published a notice of proposed rulemaking on this action March 5, 1982 (47 FR 9479). There were no public comments received by the agency. Therefore, EPA today announces final rulemaking to approve this action.

EFFECTIVE DATE: This final rulemaking becomes effective on June 23, 1982.

ADDRESSES: Copies of the SIP revision are available at the following addresses for review:

Environmental Protection Agency,
Region V, Air Programs Branch, 230
South Dearborn Street, Chicago,
Illinois 60604.

Illinois Environmental Protection
Agency, 2200 Churchill Road,
Springfield, Illinois 62706.

FOR FURTHER INFORMATION CONTACT:
Anne Earnstein, Regulatory Analysis
Section, Air Programs Branch, Region V,
U.S. Environmental Protection Agency,
230 South Dearborn Street, Chicago,
Illinois 60604, (312) 886-6036.

SUPPLEMENTARY INFORMATION: On August 31, 1981, the IEPA submitted to EPA a July 9, 1981 IPCB Order (R-77-15) as a SIP revision. The Order amended Rule 204(c)(1) of Chapter 2 of the IPCB Rules and Regulations by establishing Rule 204(c)(1)(E) which reads as follows:

Rule 204(c) Sulfur Dioxide Emission for Existing Fuel Combustion Sources

(1) Solid Fuel Burned Exclusively

• • • • •

(E).

Notwithstanding any other provision of this rule, no person shall cause or allow the emission of sulfur dioxide into the atmosphere in any 1-hour period from any existing solid fuel combustion source located in the Peoria major metropolitan area and having an actual heat input not greater than 250 million BTU per hour, owned or operated by Bemis Company, Inc., Celotex Corporation or Sherex Corporation to exceed 5.5 pounds per million BTU of

actual heat input on or after July 20, 1981.

The Order established SO₂ emission limits for the small coal-fired boilers owned by Bemis Company, Inc., Celotex Corporation or Sherex Corporation. These boilers, under Rule 204(c)(1)(E) are now subject to an emission limit of 5.5 lbs SO₂/MMBTU.

IEPA submitted copies of several modeling analyses, a State operating permit, transcripts of State hearings and other documents on August 31, 1981 and on November 17, 1981 to support this SIP revision.

In the March 5, 1982 (47 FR 9479) **Federal Register**, EPA proposed approval of Illinois Rule 204(c)(1)(E) as contained in IPCB Order R-77-15 as a SIP revision. There were no public comments received by the Agency.

IEPA provided adequate technical support to demonstrate that the emission limitation of 5.5 lbs/MMBTU for the coal-fired boilers with actual heat input less than 250 MMBTU/hr at Bemis, Celotex and Sherex will not interfere with attainment and maintenance of the SO₂ NAAQS. Therefore, EPA approves Illinois Rule 204(c)(1)(E) as contained in IPCB Order R-77-15 as a SIP revision.

Insofar as interstate transport of SO₂ emissions is concerned, the Agency's air quality models are not considered accurate beyond 50 km from the source(s) and thus it is not possible to quantify the SO₂ impact of the Peoria sources on distant states. However, the SO₂ emissions from Bemis, Celotex and Sherex should not have an adverse impact on SO₂ air quality in any other state. The total maximum allowable SO₂ emissions from these industrial boilers are relatively small (less than 10,000 tons per year) and the emissions range transport of SO₂ from these sources should not be significant and should not have an adverse impact on the SO₂ air quality in any other State (Iowa, 120 km away, is the closest state to the Peoria area.)

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead,

Particulate matter, Carbon monoxide, Hydrocarbons.

Note.—Incorporation by reference of the State Implementation Plan for the State of Illinois was approved by the Director of the Federal Register on July 1, 1981.

(Secs. 110 and 172 of the Act, as amended (41 U.S.C. 7410 and 7502))

Dated: May 11, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40 of the Code of Federal Regulations, Chapter I Part 52 is amended as follows:

Subpart O—Illinois

Section 52.720(c) is amended by adding subparagraph (32) to read as follows:

§ 52.720 Identification of the plan.

(c) * * *

(32) On August 31, 1981, the State of Illinois submitted a revision to the Illinois State Implementation Plan in the form of a July 9, 1981, Order of the Illinois Pollution Control Board (R-77-15). This Order creates Rule 204(c)(1)(E) which establishes sulfur dioxide (SO₂) emission limitations of 5.5 lbs/SO/MMBTU for solid fuel combustion sources having actual heat input not greater than 250 million BTU's per hour owned or operated by Bemis Company, Inc., Celotex Corporation or Sherex Corporation. On November 17, 1981, the State submitted additional information in support of this revision.

[FR Doc. 82-14113 Filed 5-21-82; 8:45 am]

BILLING CODE 6560-50-M

[IWH-FRL-2125-4]

40 CFR Part 123

Approval of West Virginia's NPDES Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of approval of the State of West Virginia's application to participate in the National Pollutant Discharge Elimination System (NPDES) program.

SUMMARY: This document announces that on May 10, 1982, the Administrator for the Environmental Protection Agency (EPA) approved the State of West Virginia's request to administer

the National Pollutant Discharge Elimination System (NPDES) program within the State. This approval is based on a request from the State of West Virginia to administer the program and a determination by the EPA Administrator that the West Virginia program for the control of discharges into the navigable waters within their jurisdiction satisfies the requirements of section 402(b) of the Clean Air Act.

DATE: This approval is effective May 10, 1982.

FOR FURTHER INFORMATION CONTACT:

Allen Danzig, Permits Division (EN-336), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-755-0750.

SUPPLEMENTARY INFORMATION: The Clean Water Act (33 U.S.C. 1251, et seq.) established the National Pollutant Discharge Elimination System (NPDES) under which permits are issued for the discharge of pollutants from point sources into the waters of the United States. Initially, the Environmental Protection Agency (EPA) issues these permits. States may be authorized to administer the NPDES program for discharges into navigable waters within their jurisdiction if the Administrator of EPA determines that the State program satisfies the requirements of section 402(b) of the Clean Water Act. With the passage of the 1977 amendments to the Clean Water Act, State NPDES programs must include a pretreatment program and the authority to regulate Federal facilities.

On February 16, 1982, EPA published notice of West Virginia's request to administer the NPDES program in the Federal Register (47 FR 6662). A public hearing was held in Charleston, West Virginia on March 18, 1982 to solicit comments on the proposed authorization of the West Virginia program. EPA has prepared a response to these comments which has been incorporated into West Virginia's submittal package and may be reviewed by the public at the West Virginia Department of Natural Resources, Division of Water Resources, 1201 Greenbrier St., Charleston, West Virginia 25305 and at the EPA, Region III Office, Water Enforcement Branch, Enforcement Division, 6th and Walnut Streets, Philadelphia, PA 19106, from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

Today's Federal Register notice is to announce the approval of the State of West Virginia's NPDES program, including its pretreatment program and Federal facilities authority.

Federal Register Notice of Approval of State NPDES Programs or Modifications

Under the Consolidated Permit Regulations (45 FR 33290, May 19, 1980), EPA will provide Federal Register notice of any action by the Agency approving or modifying a State NPDES program. The following table will provide the public with an up-to-date list of the status of NPDES permitting authority throughout the country.

	Approved State NPDES permit program	Approved to regulate Federal facilities	Approved State pretreatment program
Alabama	10/19/79	10/19/79	10/19/79
California	05/14/73	05/05/78	
Colorado	03/27/75		
Connecticut	09/26/73		06/03/81
Delaware	04/01/74		
Georgia	06/28/74	12/08/80	03/12/81
Hawaii	11/28/74	06/01/78	
Illinois	10/23/77	09/20/79	
Indiana	01/01/75	12/09/78	
Iowa	08/10/78	06/10/78	06/03/81
Kansas	06/28/74		
Maryland	09/05/74		
Michigan	10/17/73	12/09/78	
Minnesota	06/30/74	12/09/78	07/16/79
Mississippi	05/01/74		05/13/82
Missouri	10/30/74	06/26/79	06/03/81
Montana	06/10/74	06/23/81	
Nebraska	06/12/74	11/02/79	
Nevada	09/19/75	06/31/78	
New Jersey	04/13/82	04/13/82	04/13/82
New York	10/28/75	06/13/80	
North Carolina	10/19/75		
North Dakota	06/13/75		
Ohio	03/11/74		
Oregon	09/26/73	03/02/79	03/12/81
Pennsylvania	06/30/78	06/30/78	
South Carolina	06/10/75	09/26/80	
Tennessee	12/28/77		
Vermont	03/11/74		03/16/82
Virgin Islands	06/30/76		
Virginia	03/31/75	02/09/82	
Washington	11/14/73		
West Virginia	05/10/82	05/10/82	05/10/82
Wisconsin	02/04/74	11/26/79	12/24/80
Wyoming	01/30/75	05/18/81	

Review Under the Regulatory Flexibility Act and Executive Order 12291

Under the Regulatory Flexibility Act, EPA is required to prepare a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. The approval of the West Virginia NPDES permit program merely transfers responsibility for administration of permitting facilities from the Federal to the State government. No new substantive requirements are established by this action. Therefore, this notice does not have a significant impact on a substantial number of small entities. It does not trigger the requirement of a Regulatory Flexibility Analysis.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 123

Hazardous materials, Indians—lands, Reporting requirements, waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

Dated: May 10, 1982.

John E. Daniel,

Acting Administrator.

[FR Doc. 82-13757 Filed 5-21-82; 8:45 am]

BILLING CODE 6560-50-M

Proposed Rules

Federal Register

Vol. 47, No. 100

Monday, May 24, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Parts 501, 504, and 506

[Docket No. ERA-R-82-02]

Powerplant and Industrial Fuel Use Act of 1978; Proposed Revision of Final Rules for Existing Facilities

AGENCY: Economic Regulatory Administration (DOE).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Energy (DOE) is proposing to revise its final rules implementing Title III of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) to conform them to current DOE policy regarding the issuance of prohibition orders to existing major fuel burning installations (MFBIs) and to delete generally the regulations implementing the exemptions to prohibition orders for both MFBIs and certain existing electric powerplants.

If adopted, these proposals would (1) remove all substantive and procedural regulations applicable to existing MFBIs; and (2) remove the exemption provisions applicable to existing powerplants. Through this notice, DOE invites public comments on the proposed revisions.

DATES: Written comments are due on or before July 8, 1982.

ADDRESS: All comments should be addressed to Office of Hearings Management of the Economic Regulatory Administration, Department of Energy, at the address provided in the Supplementary Information section, below.

FOR FURTHER INFORMATION CONTACT:

Constance L. Buckley, Fuels Conversion Division—Fuels Programs, Economic Regulatory Administration, Forrestal Building, 1000 Independence Avenue, SW., Room GA-093, RG-62, Washington, D.C. 20585, (202) 252-1774

Henry K. Garson (Office of the General

Counsel), Department of Energy, Room 6B-178, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2967

SUPPLEMENTARY INFORMATION:

- I. Background and Proposals
- II. Procedural Matters

I. Background and Proposals

On June 9, 1981, DOE issued a notice of proposed rulemaking (46 FR 31216, June 12, 1981), aimed at simplifying the administrative procedures and exemption criteria applicable to owners or operators of new and existing powerplants and MFBIs subject to the prohibitions of FUA. These rules, as applicable to the new facilities regulatory program under FUA, were adopted in final form on November 30, 1981 (46 FR 59872, December 7, 1981) (final rules). Final rules were not promulgated at that time applicable to existing facilities because on August 13, 1981, the President signed into law the Omnibus Budget Reconciliation Act (Pub. L. 97-35) (OBRA), § 1021 of which substantially amended section 301 of FUA, relating to the prohibitions applicable to existing electric powerplants. Specifically, under the new section 301, the so-called "off gas" provisions of FUA were deleted and the prohibition order process was substantially amended. Therefore, DOE decided to defer consideration of existing facilities issues until a later date. In the Notice promulgating the final rules (46 FR 59872, December 7, 1981), DOE indicated that it would soon propose a rulemaking applicable to existing facilities that would be aimed toward a "reduction of regulatory burdens . . . and elimination of unnecessary regulatory intervention in fuel choice decisions by the private sector."

On November 27, 1981, DOE gave notice of its proposals to implement the OBRA amendments (applicable only to existing electric powerplants) by amending 10 CFR Parts 500, 501 and 504 to conform to the changes in the statute (46 FR 58052). These amendments were finalized at 47 FR 17037 (April 21, 1982) (the OBRA regulations).

DOE has reviewed its regulations for obtaining exemptions under FUA from prohibition orders applicable to existing powerplants (10 CFR Parts 501 and 504) in light of the following circumstances:

Under section 301 of FUA, as

amended, certification of a powerplant's coal capability by the owner or operator is strictly voluntary, and DOE's issuance of a prohibition order to an existing powerplant is contingent upon the filing of such a certification, with which DOE can concur. This necessarily means that, since the order issuing proceeding is now embarked upon voluntarily, rather than, as formerly, involuntarily, only those owners or operators of powerplants who want to receive prohibition orders will obtain them.

Furthermore, § 501.52(d), consistent with OBRA, permits a certifying powerplant to amend its certification at any time prior to the effective date of the prohibitions (set out in the final prohibition order) to take account of changes in relevant facts and circumstances, so that, after the proceeding is underway or even administratively completed, the powerplant may prevent the prohibitions from taking effect by bringing to DOE's attention the existence of changed circumstances which would terminate the proceeding or bring about the withdrawal of the order.

Under these circumstances, no need exists for DOE to exercise its section 301 authority in the future to grant or deny exemption requests to certifying powerplants issued proposed prohibition orders that cannot, for valid reasons (bases for exemption), burn coal as their primary energy source. Accordingly, DOE believes that the regulations in 10 CFR Parts 501 and 504 applicable to exemption proceedings for powerplants can be properly rescinded and removed from the Code of Federal Regulations. The rescission shall not affect the rights of any party to a final or proposed prohibition order issued under the former section 301. For these cases, and these cases alone, these rules shall continue in effect (10 CFR Parts 501 and 504, as published at 45 FR 53682, on August 12, 1980). In particular, the owner or operator of an electing powerplant named in a prohibition order issued under former section 301 may use the procedures in 10 CFR Part 501, Subpart C (10 CFR 501.100 et seq.) for requesting that DOE modify or rescind such prohibition order to meet significantly changed circumstances with respect to the applicability of the prohibition to the affected facility.

Further, in keeping with the Department's announced policies it will

no longer issue involuntary conversion orders to MFBI's as authorized by section 302 of FUA. Therefore, the Department proposes to discontinue the discretionary program authorized by section 302 of FUA through rescission of the regulations implementing that program. Accordingly, the prohibition and exemption provisions of Parts 501, 504 and 506¹ applicable to existing MFBI's are proposed here to be rescinded and removed from the Code of Federal Regulations. The rescission shall not affect the rights of any party to a final or proposed prohibition order issued under section 302 of the Act. For these cases, and these cases only, the rules shall remain in effect (10 CFR Parts 501 and 504, published at 45 FR 53682, on August 12, 1980, and 10 CFR Part 506, § 506.35, published at 44 FR 43176, on July 23, 1979). DOE intends to complete its work in finalizing prohibition orders to MFBI's in receipt of proposed prohibition orders only where the owner or operator of the MFBI wishes the process to continue. If, at a future date, DOE determines that a different policy is necessary regarding the issuance of prohibition orders and exemptions to existing MFBI's, new procedural and substantive requirements will be adopted pursuant to normal rulemaking procedures.

II. Procedural Matters

A. Written Comments

Interested persons are invited to participate in this rulemaking by submitting data or comments with respect to the issues addressed in this NOPR. Comments should be identified on the outside envelope and on the documents submitted with the designation: "Powerplant and Industrial Fuel Use Act Docket No. ERA-R-82-02." Fifteen copies should be submitted. All comments received will be available for public inspection in the Office of Hearings Management, Federal Building, Room 7146, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. All comments received on or before July 8, 1982 will be considered.

If you wish to submit any information or data which you consider to be confidential you must comply with DOE's freedom of information regulations (10 CFR Part 1004). DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

¹The cogeneration exemption provision is currently in interim status at 10 CFR 506.35.

B. Section 102 of the National Environmental Policy Act (NEPA)

DOE has determined that the proposed removal of the prohibition order and exemption provisions, as described above, will not change the *status quo* and, therefore, is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of NEPA. Accordingly, the preparation of an Environmental Impact Statement for this proposal is not required.

C. Executive Order No. 12291

DOE has determined that these proposed regulations are not a major rule under Executive Order No. 12291, which requires the preparation of a Regulatory Impact Analysis for proposed major regulations. These proposals will not be likely to result in an annual effect on the economy of \$100 million or more. DOE foresees no major increase in costs or prices for consumers, industries, geographic regions or Federal, state or local government agencies. DOE does not consider it likely that the proposals will result in significant adverse effects on competition, employment, investment, or productivity. Therefore, no Regulatory Impact Analysis is required.

The proposals were submitted to the Office of Management and Budget (OMB) for review at least 10 days prior to publication in the *Federal Register*.

D. Regulatory Flexibility Act

DOE certifies that these proposals, if adopted, will not negatively impact firms that are "small entities" within the meaning of the Regulatory Flexibility Act, for the reasons discussed in paragraph C, above. Therefore, DOE is not required to publish an initial regulatory flexibility analysis pursuant to section 603 of that Act.

List of Subjects

10 CFR Part 501

Administrative practice and procedure, Business and industry, Electric powerplants, Energy conservation, Natural gas, Petroleum.

10 CFR Parts 504, 506

Business and industry, Electric powerplants, Energy conservation, Natural gas, Petroleum.

(Department of Energy Organization Act Pub. L. 95-91, 91 Stat. 565 (42 U.S.C. 7107 *et seq.*); Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95-620, 92 Stat. 3289 (42 U.S.C. 8301 *et seq.*); Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35; Executive Order No. 12009 (42 FR 46267 (September 15, 1977)))

Issued in Washington, D.C. on May 13, 1982.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

In consideration of the foregoing, Parts 501, 504, and 506, Subchapter E, "Alternate Fuels" of Chapter II, Title 10 of the Code of Federal Regulations, are proposed to be amended as set forth below.

PART 501—ADMINISTRATIVE PROCEDURES AND SANCTIONS

For the reasons set out in the preamble, Part 501 of Chapter II, Title 10 of the Code of Federal Regulations is proposed to be amended as shown.

1. By revising the table of contents as follows:

Subpart E—Prohibition Rules and Orders
Subpart F—[Reserved]

Sec.

501.51 Prohibitions by order—Existing Electing Powerplants.

2. By revising §§ 501.31(b) and 501.33(b) to read as follows:

§ 501.31 Written comments.

(b) *Existing facilities.* Except as may be provided elsewhere in these regulations, ERA shall provide a period of at least 45 days for submission of written comments concerning a proposed prohibition rule or order or a petition for a permit. In the case of a proposed prohibition rule or order issued to an existing electing powerplant, ERA shall also provide for a period of at least 45 days for submission of written comments concerning a Tentative Staff Analysis. This period shall commence on the day after publication of the Notice of Availability of Tentative Staff Analysis in the *Federal Register*. In the case of prohibition order proceedings for certifying powerplants under section 301 of FUA, as amended, ERA shall provide a period of at least 45 days, beginning the day after the Notice of Acceptance of certification is published, for submission of written comments concerning the certification and ERA's proposed prohibition order, and requests for public hearings. Prohibition order proceedings under section 301, as amended by OBRA, will have only one period of 45 days, since no Tentative Staff Analysis will be prepared. The comment period may be extended by ERA in accordance with § 501.7. See

§ 501.52(b) of this Part for further information with respect to the comment period. Written comments shall be filed in accordance with § 501.7.

§ 501.33 Requests for a public hearing.

(b) *Existing powerplants.* In the case of a petition for an exemption from a prohibition imposed by a final rule or order issued by ERA to an electing powerplant under former sections of Title III of FUA or a petition for a permit under § 504.1, any interested person may submit a written request that ERA convene a public hearing in accordance with section 701 of FUA within 45 days after the notice of the filing of a petition is published in the Federal Register. In the case of proposed prohibition rule or order issued to an electing powerplant under former section 301, the 45 day period in which to request a public hearing shall commence upon the publication of the Notice of Availability of the Tentative Staff Analysis. In the case of a proposed prohibition order to be issued to certifying powerplants under section 301 of FUA, as amended, the 45 day period in which to request a public hearing commences upon publication of the Notice of Acceptance of certification. This time limit may be extended at the discretion of ERA in accordance with § 501.7.

3. By amending § 501.51 by revising the title, introductory text of paragraph (a), paragraph (b)(2) and (3), and paragraph (d)(2)(ii) to read as follows:

§ 501.51 Prohibitions by order—existing electing powerplants.

(a) ERA may prohibit by order the use of petroleum or natural gas as a primary energy source or in amounts in excess of the minimum amount necessary to maintain reliability of operation consistent with reasonable fuel efficiency in an existing electing powerplant, if:

(b) * * *

(2) Pursuant to section 701 of FUA, prior to the issuance of final order to an electing powerplant, ERA shall publish a proposed order in the Federal Register together with a statement of the reasons for the order. In the case of a proposed order that would prohibit the use of petroleum or natural gas as a primary energy source, the finding required by former section 301(b)(1) of the Act shall be published with such proposed order.

(3) ERA shall provide a period for the submission of written comments of at least three months after the date of the proposed order. During this period, the recipient of the proposed order and any

other interested person must submit any evidence that they have determined at that time to support their respective positions as to each of the findings that ERA is required to make under former section 301(b) of the Act. A proposed order recipient may submit additional new evidence at any time prior to the close of the public comment period which follows publication of the Tentative Staff Analysis or prior to the close of the record of any public hearing, whichever occurs later. A request by the proposed order recipient for an extension of the three month period may be granted at ERA's discretion.

(d) * * *

(2) * * *

(ii) Sufficient information for ERA to make the findings required by former section 301(b) of FUA.

Subpart F—[Reserved]

4. By removing and reserving Subpart F.

PART 504—EXISTING POWERPLANTS

For reasons set out in the preamble, Part 504 of Chapter II, Title 10 of the Code of Federal Regulations is amended as shown.

1. By revision the table of contents as follows:

Subpart B—Prohibitions

Sec.

504.7 Prohibitions against excessive use of petroleum or natural gas in mixtures—
Electing Powerplants.

2. By revising § 504.2 to read as follows:

§ 504.2 Purpose and scope.

(a) Sections 504.5, 504.6, and 504.8, below, set forth the prohibitions that ERA, pursuant to § 301 of the Act, as amended, may impose upon existing powerplants after a review of the certification and prohibition order compliance schedule submitted by the owner or operator of a powerplant. Sections 504.5 and 504.8 are explanatory sections, and § 504.6 provides the informational requirements necessary to support the certification.

(b) Sections 504.6, and 504.7, below, also set forth the prohibitions that ERA may impose upon electing powerplants, pursuant to former section 301 (b) and (c) of FUA, where ERA can make the findings as to the unit's technical capability and financial feasibility to use coal or another alternate fuel as a primary energy source. The prohibitions may be made to apply to electing powerplants unless an exemption is

granted by ERA under the provisions of the Final Rule for Existing Facilities (10 CFR Parts 500, 501, and 504) published at 45 FR 53682, on August 12, 1980. Any person who owns, controls, rents or leases an existing electing powerplant may be subject to the prohibitions imposed by and the sanctions provided for in the Act or these regulations, if ERA can make the findings required by former section 301 (b) and (c) of FUA.

3. By amending § 504.6 by revising the introductory text of paragraph (a) and of paragraphs (b), (c)(1), (d), (e), and the introductory text to paragraph (f) (retain all footnotes) to read as follows:

§ 504.6 Prohibitions by order (case-by-case).

(a) ERA may prohibit, by order, the use of natural gas or petroleum as a primary energy source in existing powerplants under certain circumstances. In the case of certifying powerplants under section 301 of the Act, as amended, the petitioner must present evidence to support the certification, required by § 504.6 (c), (d), (e), and (f). In the case of electing powerplants, ERA must make the following findings required by § 504.6 (c), (d), (e), and (f), in order to issue a prohibition order to the unit, pursuant to former section 301 (b) or (c):

(1) * * *

(b) In the case of electing powerplants, EPA must make a proposed finding regarding the technical capability of a unit to use alternate fuel as identified in subsection (a)(1) above prior to the date of publication of the notice of the proposed prohibition. ERA will publish this finding in the Federal Register along with the notice of the proposed prohibition.

(c) *Technical capability.* (1) In the case of electing and certifying powerplants, ERA will consider "technical capability" on a case-by-case basis on order to make the required finding. In the case of a certifying powerplant, the powerplant should present information to support the certification relevant to the considerations set forth below. ERA will consider the ability of the unit, from the point of fuel intake to physically sustain combustion of a given fuel and to maintain heat transfer.

(d) *Substantial physical modifications.* In the case of electing and certifying powerplants, ERA will make its determination on whether a physical modification to a unit is "substantial" on a case-by-case basis. In the case of certifying powerplants, ERA

will consider the following factors set forth below for the purpose of concurrence in the certification. ERA will consider physical modifications made to the unit as "substantial" where warranted by the magnitude and complexity of the engineering task or where the modification would impact severely upon operations at the site. ERA will not, however, assess physical modification on the basis of cost.

(e) *Substantial reduction in rated capacity.* In the case of electing and certifying powerplants, ERA will make this determination on the basis of the following factors. A certifying powerplant should present information to support its certification regarding these factors in order for ERA to make its review for concurrence.

(4) In assessing whether a unit's derating is not substantial, ERA will consider the impact of a reduction in rated capacity of the unit taking into consideration all necessary appurtenances such as air pollution control equipment required to burn an alternate fuel in compliance with environmental requirements expected to be applicable at the date the prohibitions continued in the final prohibition order become effective. However, the potential order recipient may raise in rebuttal the impact of derating on the site at which the unit is located and on the system as well as on the unit itself, if under paragraph (e) of this section or case-by-case, if under paragraph (e)(3) of this section.

(f) *Financial feasibility.* In the case of certifying and electing powerplants, ERA will make this finding based on the following considerations. A certifying powerplant should present information to support its certification relevant to these factors in order for ERA to make its review for concurrence. Conversion of a unit to burn coal or an alternate fuel shall be deemed financially feasible if the firm has the actual ability to obtain sufficient capital to finance the conversion, including all necessary land, coal and ash handling equipment, pollution control equipment, and all other necessary conversion expenditures, without violating legal restrictions on its ability to raise debt or equity capital. EPA will consider any economic or financial factors presented by the proposed order recipient in determining the firm's ability or inability to finance the conversion including, but not limited to, the following:

4. By removing the Note and revising the title and paragraph (a) of § 504.7 to read as follows:

§ 504.7 Prohibitions against excessive use of petroleum or natural gas in mixtures—Electing Powerplants.

(a) In the case of electing powerplants, if ERA finds that it is technically and financially feasible for a unit to use a mixture of petroleum or natural gas and an alternate fuel as its primary energy source, ERA may prohibit, by order, the use in that unit of petroleum or natural gas, or both, in amounts exceeding the minimum amount necessary to maintain reliability of operation consistent with maintaining reasonable fuel efficiency of the mixture.

6. By removing and reserving Subparts C, D, and E to read as follows:

Subpart C—[Reserved]

Subpart D—[Reserved]

Subpart E—[Reserved]

For the reasons set out in the preamble, Part 506 of Chapter II, Title 10 of the Code of Federal Regulations is proposed to be amended as set forth below.

PART 506—[RESERVED]

By removing and reserving Part 506.

[FR Doc. 82-14071 Filed 5-21-82; 8:45 am]

BILLING CODE 6450-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

10 CFR Part 1605

Proposed Council Open Meetings Procedures

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Proposed rule.

SUMMARY: The Council proposes the following procedures regarding open meetings under the Government in the Sunshine Act (Pub. L. 94-409) and invites written comment on those proposed procedures.

DATES: Comments must be submitted on or before June 23, 1982.

ADDRESSES: Send comments to: James F. Fell, General Counsel, Northwest Power Planning Council, 700 S.W. Taylor, Suite 200, Portland, Oregon 97205.

FOR FURTHER INFORMATION CONTACT: James F. Fell, General Counsel, Northwest Power Planning Council, (503) 222-5161.

SUPPLEMENTARY INFORMATION: By passage of the Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96-501, 94 Stat. 2697, 16 U.S.C. 839, *et seq.* (the "Northwest Power Act"), Congress provided for the establishment of the Pacific Northwest Electric Power and Conservation Planning Council (the "Council"), a regional agency composed of two gubernatorial appointees each from the states of Idaho, Montana, Oregon and Washington. Congress provided in section 4(a)(4) of the Northwest Power Act that with respect to "open meetings, the Federal laws applicable to open meetings in the case of the Federal Energy Regulatory Commission shall apply to the Council to the extent appropriate." The procedures to be used by the Council were adopted from Federal Energy Regulatory Commission open meetings procedures.

List of Subjects in 10 CFR Part 1605

Sunshine Act.

(Sec. 4, Pub. L. 96-501 (16 U.S.C. 839b))

Dated: May 14, 1982.

Edward Sheets,

Executive Director.

10 CFR, Chapter XVI, is proposed to be amended by adding a new Part 1605 to read as follows:

PART 1605—PROCEDURES UNDER THE GOVERNMENT IN THE SUNSHINE ACT

Sec.

- 1605.101 Purpose.
- 1605.102 Definitions.
- 1605.103 Open meetings.
- 1605.104 Notice of meetings.
- 1605.105 Closed meetings.
- 1605.106 Procedures to close meetings.

Authority: Sec. 4, Pub. L. 96-501 (16 U.S.C. 839b).

§ 1605.101 Purpose.

The purpose of these provisions is to set forth the Council procedures for conduct of its official business in accordance with the provisions of 5 U.S.C. 552b. The Council may waive the provisions set forth in this subpart to the extent authorized by law.

§ 1605.102 Definitions.

(a) *Definitions.* For purposes of these procedures:

(1) "Meeting" means the deliberations of at least a quorum of the Council where such deliberations determine or result in the joint conduct of official Council business, except that such term does not include deliberations to determine whether to conduct a closed meeting.

(2) "Portion of a meeting" means the consideration during a meeting of a particular topic or item separately identified in the notice of Council meeting described in § 1605.104.

(3) "Open" when used in the context of a Council meeting or a portion thereof, means the public may attend and observe the deliberations of the Council during such meeting or portion of a meeting consistent with the provisions of § 1605.103.

(4) "Closed" when used in the context of a Council meeting or a portion thereof, means that the public may not attend or observe the deliberations of the Council during such meeting or portion of such meeting.

§ 1605.103 Open meetings.

(a) *General Rule.* Except as provided in § 1605.106, meetings of the Council will be open meetings.

(b) *Public Participation in Open Meetings.*

(1) Members of the public are invited to listen and observe at open meetings.

(2)(i) Subject to the provisions of this paragraph (b), members of the public may record discussions at Council meetings by means of electronic or other devices (including tape recorders, stenotype, stenomask, or shorthand). The photographing of Council meetings by still or movie camera, or by video taping is permitted so long as such activity does not interfere with Council proceedings.

(ii) Due to the limited space of some of the Council's meeting rooms and the necessity of maintaining order, use of recording or photographic equipment which would require the user to move about the room during the meeting must be limited. Recording and photographic equipment may be set up and used only in the public areas of a Council meeting room as designated by the Council's Executive Director or his designee.

(iii) No microphones may be placed on the tables used by the Council members and Staff.

(c) *Physical Arrangements.* The Director of Public Involvement shall be responsible for seeing that adequate space, sufficient visibility, and satisfactory acoustics are provided for public observation of open meetings.

§ 1605.104 Notice of meetings.

(a) *Public Announcements of Meetings.*—(1) *General rule.* Except to the extent that information described in § 1605.105(a) (involving closed meetings) is exempt from disclosure, the Director of Public Involvement shall announce at least one week before each Council meeting, the time, place, and subject matter of the meeting, whether it is an

open meeting or closed meeting, and the name and telephone number of the official designated by the Council to respond to requests for information about the meeting.

(2) *Abbreviated notice.* If the Council determines by a majority of its members by a recorded vote that Council business requires that a Council meeting be called with less than one week's notice as prescribed in paragraph (a)(1) of this section, the Director of Public Involvement shall make public announcements of the time, place, and subject matter of such meeting and whether open or closed to the public, at the earliest practicable time.

(3) *Change in the time or place.* If there is a change in time or place of a meeting following the public announcement prescribed in paragraph (a) (1) or (2) of this section the Director of Public Involvement shall publicly announce such change at the earliest practicable time.

(4) *Change in the subject matter or the determination to open or close a meeting.* The subject matter of a meeting, or the determination of the Council to open or close a meeting or portion of a meeting, may be changed following the public announcement prescribed in paragraph (a) (1) or (2) of this section only if:

(i) The Council determines by a recorded vote by a majority of the membership that Council business so requires and that no earlier announcement of the change is possible; and

(ii) The Director of Public Involvement publicly announces such change and the vote of each member upon such change at the earliest practicable time.

(b) *Deleted items.* Notwithstanding the provisions of paragraph (a) of this section, individual items that have been announced for consideration at Council meetings may be deleted without vote or notice.

(c) *Definitions.* For the purpose of this section, "earliest practicable time", means as soon as practicable, which should in few, if any, instances be later than the commencement of the meeting or portion of the meeting in question.

(d) *Informing public of meeting announcements.* (1) The Director of Public Involvement shall use reasonable means to assure that the public is fully informed of the public announcements required by this section. For example, such announcements may be posted on the Council's public notice boards, published in official Council publications, or sent to the persons on a mailing list maintained for those who want to receive such material.

(2) Immediately following each public announcement required by this section, notice of the time, place, and subject matter of a meeting, whether the meeting is open or closed, any change in a preceding announcement, and the name and telephone number of the official designated by the Council to respond to requests for information about the meeting shall also be submitted by the Director of Public Involvement for publication in the Federal Register.

§ 1605.105 Closed meetings.

(a) Meetings will be closed to public observation where the Council properly determines, according to the procedures set forth in § 1605.106, that such meeting or portion of the meeting or disclosure of information to be considered at the meeting is likely to:

(1) Relate solely to the internal personnel rules and practices of the Council;

(2) Disclose matters specifically exempted from disclosure by statute (other than 5 U.S.C. 552); *Provided*, That such statute:

(i) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

(ii) Establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(3) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(4) Involve formally censoring any person;

(5) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy, including personnel and medical files and similar files;

(6) Disclose information the premature disclosure of which would be likely to frustrate significantly implementation of a proposed Council action;

(7) Specifically concern the Council's issuance of a subpoena or participation in a civil action or proceeding or an arbitration.

(b) Council meetings shall not be closed pursuant to paragraph (a) of this section when the Council finds that the public interest requires that they be open.

§ 1605.106 Procedures to close meetings.

(a) *General rule.* A meeting or a portion of a meeting may be closed only when the Council votes by a majority of the membership to close the meeting. A separate vote shall be taken with

respect to each Council meeting or portion of a meeting which is proposed to be closed to the public or with respect to any information which is proposed to be withheld. A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, or with respect to any information concerning such series of meetings, so long as each meeting in such series involves the same particular matters and is scheduled to be held no more than thirty days after the initial meeting in such series. The vote of each Council member participating in such vote shall be recorded and no proxies shall be allowed.

(b) Request for closed meeting.

Whenever any person whose interests may be directly affected by a meeting or a portion of a meeting requests that the Council close such portion to the public for any of the reasons referred to in paragraph (a) (5) or (6) of § 1605.105, the Council, upon request of any one of its members, shall vote by recorded vote whether to close such meeting.

(c) Release of vote. Within one day of any vote taken pursuant to paragraph (a) or (b) of this section, the Director of Public Involvement shall make publicly available a written copy of such vote reflecting the vote of each member. If a portion of a meeting is to be closed to the public, the Director of Public Involvement shall, within one day of the vote taken pursuant to paragraph (a) or (b) of this section, make publicly available a full written explanation of the Council's action closing the portion together with a list of all persons expected to attend the meeting and their affiliations. The information required by this paragraph shall be disclosed except to the extent that it is exempt from disclosure under the provisions of § 1605.105(a).

(d) Certification. Prior to a determination that a meeting should be closed pursuant to paragraph (a) or (b) of this section, the General Counsel of the Council shall publicly certify that, in his opinion, the meeting may be closed to the public and shall state each relevant exemptive provision. A copy of such certification, together with a statement from the Chair person of the meeting setting forth the time and place of the meeting, and the persons present, shall be retained by the Director of Public Involvement of the Council as part of the transcript, recording, or minutes required by paragraph (e) of this section.

(e) Transcripts, Recordings, Minutes. (1) The Director of Public Involvement shall maintain a complete transcript or electronic recording adequate to record

fully the proceedings of each meeting, or portion of a meeting, closed to the public.

(2) The Director of Public Involvement shall maintain a complete verbatim copy of the transcript, or a complete electronic recording of each meeting, or portion of a meeting, closed to the public, for a period of at least two years after such meeting, or until one year after the conclusion of any Council proceeding with respect to which the meeting or portion was held, whichever occurs later.

(f) Public availability of transcripts, or records. (1) Within a reasonable time after the adjournment of a meeting closed to the public, the Council shall make available to the public the transcript, or electronic recording, of the discussion of any item on the agenda, except for such item or items of such discussion as the Director of Public Involvement determines may be withheld under § 1605.105(a). Copies of such transcript, or a transcription of such recording, shall be furnished to any person at the actual cost of duplication or transcription.

(2) The determination of the Director of Public Involvement to withhold information pursuant to paragraph (f)(1) of this section may be appealed to the Executive Director of the Council.

[FR Doc. 82-14067 Filed 5-23-82; 8:45 am]

BILLING CODE

FEDERAL RESERVE SYSTEM

12 CFR Part 203

[Reg. C; Docket No. R-0406]

Home Mortgage Disclosure; Applications for Continuation of Exemption; Connecticut, Massachusetts, New Jersey, and New York

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice of applications for continuation of exemption.

SUMMARY: The Board has received applications for renewal of the exemptions of Connecticut, Massachusetts, New Jersey and New York from the disclosure requirements of the Home Mortgage Disclosure Act as revised in 1980. The exemption requests are based upon the claim that state law provides for substantially similar disclosures. In accordance with Appendix B to Regulation C (12 CFR Part 203), the Board is publishing notice of the applications, with opportunity for comment.

DATE: Comments regarding the applications must be received on or before June 21, 1982.

ADDRESS: Comments should be mailed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or delivered to Room B-2223, 20th and Constitution Avenue, NW., Washington, D.C., between 8:45 a.m. and 5:15 p.m. The applications and the comments on them may be inspected in Room B-1122 between 8:45 a.m. and 5:15 p.m. All comments should refer to Docket No. R-0406.

FOR FURTHER INFORMATION CONTACT:

John C. Wood, Senior Attorney, or Claudia Yarus or Clarence Cain, Staff Attorneys, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-2412).

SUPPLEMENTARY INFORMATION: (1)

Introduction. The Home Mortgage Disclosure Act (12 U.S.C. 2801 *et seq.*), as implemented by Regulation C (12 CFR Part 203), requires most depository institutions located in metropolitan areas to compile and disclose information on the geographic distribution of their mortgage and home improvement loans.

The act and regulation permit the Board to grant exemptions to state-chartered depository institutions subject to state mortgage disclosure laws that impose requirements substantially similar to those of the federal law and that contain adequate provision for enforcement. The Board has granted six such exemptions, one of which was later rescinded.

The federal act was amended in 1980 (Pub. L. 96-399, October 8, 1980), and the Board implemented the statutory amendments by revising Regulation C and publishing a prescribed disclosure form (46 FR 40679, August 11, 1981; 47 FR 750, January 7, 1982). Because of these changes, the exempt state requirements may no longer be substantially similar to the federal law. The Board has therefore requested a reapplication from each of the exempt states as a condition of continuation of the exemptions. The exemptions are subject to revocation if the Board at any time determines that state law does not impose requirements substantially similar to federal law or does not adequately ensure enforcement.

Four of the presently exempt states (or financial institutions in such states) have applied to the Board, pursuant to section 306(b) of the Act (12 U.S.C. 2805(b)) and § 203.3(b) of the regulation, for continuation of the exemptions.

While the applications are pending before the Board, the exemptions remain effective. It is contemplated that any changes in requirements (for example, because of changes in any of the state laws or regulations, or because of one or more exemptions are revoked) will apply to data covering loans made in calendar year 1982.

(2) *Connecticut exemption.* The Connecticut Banking Department has applied to the Board, on behalf of state-chartered depository institutions in Connecticut, for continuation of the Connecticut exemption. The Board granted the original exemption by an order dated August 2, 1978, and effective September 11, 1978. The exemption applies to all Connecticut-chartered depository institutions subject to the Connecticut law. The application for continuation is based on the requirements of the Connecticut Home Mortgage Disclosure Act, as amended by Connecticut Public Act 81-128, and implementing regulations.

(3) *Massachusetts exemption.* The Commonwealth of Massachusetts, through its Division of Banks, has applied to the Board, on behalf of banks and credit unions in the Boston and Springfield-Chicopee-Holyoke standard metropolitan statistical areas (SMSAs), for continuation of the Massachusetts exemption. The Board granted the original exemption by an order effective December 8, 1976. The exemption applies to state-chartered institutions located in the SMSAs mentioned above that are subject to the Massachusetts disclosure requirements. The application for continuation is based on the requirements of the mortgage disclosure directives in the Massachusetts Banking Division's Administrative Bulletin 18-2C, dated February 5, 1982.

(4) *New Jersey exemption.* United Jersey Bank of Princeton, New Jersey; Heritage Bancorporation of Cherry Hill, New Jersey; and Princeton Bank of Princeton, New Jersey, have applied to the Board (on behalf of several of their subsidiary banks, in the case of the two bank holding companies) for continuation of the New Jersey exemption. The Board granted the original exemption by an order dated February 15, 1978, and effective April 1, 1978. The exemption applies to all New Jersey-chartered depository institutions subject to the New Jersey law. The applications for continuation are based upon the requirements of the New Jersey Home Mortgage Disclosure Act (N.J.S.A. 17:16F-1 *et seq.*) and the implementing regulations of the New Jersey Department of Banking.

(5) *New York exemption.* The New York Banking Department has applied to

the Board, on behalf of New York-chartered depository institutions with assets over \$150 million, for continuation of the New York exemption. The Board granted the original exemption by an order effective December 8, 1976, as supplemented by an order dated May 9, 1977. The application for continuation is based upon the requirements of New York Banking Law sections 10, 36, and 125, as implemented by Supervisory Procedure G 107 of the New York Banking Department.

(6) *Public comment on applications.* Copies of the applications are available for public inspection and copying during regular business hours at the Board, Room B-1122, 20th and Constitution Avenue, NW., Washington, D.C. 20551. The following Federal Reserve Banks also have copies available: Federal Reserve Bank of Boston, 600 Atlantic Avenue, Boston, Massachusetts 02106 (Connecticut and Massachusetts applications); Federal Reserve Bank of New York, 33 Liberty Street, New York, New York 10045 (Connecticut, New Jersey, and New York applications); and Federal Reserve Bank of Philadelphia, 100 North Sixth Street, Philadelphia, Pennsylvania 19105 (New Jersey application).

Interested persons are invited to submit written comments regarding the exemption requests. The comments received will be made available for public inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information (12 CFR 261.6(a)).

Board of Governors of the Federal Reserve System, May 18, 1982.

William W. Wiles,

Secretary of the Board.

(FR Doc. 82-14130 Filed 5-21-82; 8:45 am)

BILLING CODE 6210-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 309

Disclosure of Information

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Proposed rule.

SUMMARY: The FDIC proposes to amend its regulation on the disclosure of information pursuant to the Freedom of Information Act ("FOIA," 5 U.S.C. 552). Substantive changes include a revision of the fee schedule and delegation from the Board of Directors to (1) the General Counsel for determinations of appeals of

denials of initial requests and (2) the Executive Secretary for determinations of requests for waiver or reduction of fees. Other amendments reflect changes in the appropriate offices for obtaining publicly available information.

DATES: Comments must be received by July 23, 1982.

ADDRESSES: Comments should be addressed to Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429, or delivered to Room 6108 at the same address between 9:00 A.M. and 5:00 P.M., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Margaret M. Olsen, Assistant Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429, (202) 389-4446.

SUPPLEMENTARY INFORMATION: The FDIC proposes to amend its regulations relating to disclosure of information pursuant to the FOIA. Three substantive changes are proposed. First, it is proposed that determinations whether to grant or deny an appeal of a denial of an initial request be delegated to the General Counsel. Presently, the Board of Directors reviews appeals and it is believed that the proposed delegation would be more efficient administratively. Second, it is proposed that determinations whether to grant or deny a requested waiver or reduction of the chargeable fees associated with a request for information be made by the Executive Secretary. Presently, the Board of Directors must make such a determination and it is believed that delegation of this function to the Executive Secretary would also promote administrative efficiency. Third, revisions in the fee schedule are proposed. The existing schedule has been in effect since 1975 and is no longer reflective of FDIC's costs of processing requests for information. Thus, increases in searching costs incurred through the use of FDIC personnel are proposed. Specifically, professional/supervisory time would be charged at the rate of \$14.50/hour instead of \$10.00/hour and clerical time at the rate of \$7.50/hour instead of \$4.50/hour. Also, costs for computer generated documents would be based on the components used and not only on the use of the central processing unit. At the same time, it is proposed that the FDIC will not charge for searching and duplication costs which do not exceed \$25.00. Presently, the regulation prescribes that the minimum charge for which the FDIC sends an invoice is \$2.00.

Finally, changes were made in § 309.4 in order to reflect the appropriate offices and addresses at which publicly available information may be obtained; and, the regulation was redrafted in simple English.

In accordance with the Regulatory Flexibility Act, the Board of Directors certifies that the proposed amendments, if adopted, would not have a significant economic impact on a substantial number of small entities as the amendments do not affect any substantive legal right or duty of any small entity and as the majority of requests do not incur changes in excess of \$25.00. Also, for the purposes of the Paperwork Reduction Act of 1980, the proposed amendments would not impose any recordkeeping or reporting requirements on any person. Thus, it has been determined under FDIC's statement of policy on drafting of regulations that a cost-benefit analysis, including a small bank impact statement, is not required.

List of Subjects in 12 CFR Part 309

Banks, banking, Credit, Foreign banking, Freedom of Information, Privacy.

PART 309—DISCLOSURE OF INFORMATION

Accordingly, the Board of Directors proposes that Part 309 be amended as set forth below.

1. The authority citation for Part 309 reads as follows:

Authority: Sec. 2 (9 "Seventh" and "Tenth"), Pub. L. No. 797, 64 Stat. 881, as amended by title III, Sec. 309, Pub. L. No. 95-630, 92 Stat. 3677 (12 U.S.C. 1819 "Seventh" and "Tenth"); 5 U.S.C. 552.

2. Section 309.3 is revised to read as follows:

§ 309.3 Federal Register publication.

The FDIC publishes the following information in the *Federal Register* for the guidance of the public:

(a) Descriptions of its central and field organization and the established places at which, the officers from whom, and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions;

(b) Statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(c) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports or examinations;

(d) Substantive rules of general applicability adopted as authorized by

law, and statements of general policy or interpretations of general applicability formulated and adopted by the FDIC;

(e) Every amendment, revision or repeal of the foregoing; and

(f) General notices of proposed rulemaking.

3. Section 309.4 is revised to read as follows:

§ 309.4 Publicly available information.

The following information is available upon request or, as noted, available for public inspection during normal business hours, at the listed offices. To the extent permitted by law, the FDIC may delete identifying details when it makes available or publishes a final opinion, final order, statement of policy, interpretation or staff manual or instruction. Fees for furnishing information under this § 309.4 are as set forth in § 309.5(b).

(a) At the Office of Information, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429, Room 6074, (202) 389-4221:

(1) Documents, including press releases, bank letters and proposed and adopted regulations, published by the FDIC and pertaining to its operations and those of insured banks it supervises.

(2) Reports on the competitive factors involved in merger transactions and the bases for approval of merger transactions as required by section 18(c) (4) and (9) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c) (4) and (9)).

(b) At the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429, which information is available for public inspection:

(1) All final opinions (including concurring and dissenting opinions) and all final orders made in the adjudication of cases.

(2) Statements of policy and interpretations which have been adopted by the FDIC but have not been published in the *Federal Register*.

(3) A current index of matters covered by § 309.4(b) (1) and (2) that were issued, adopted or promulgated after July 4, 1976. Copies of the index will be provided at the direct cost of duplication as set forth in § 309.5(b).

(c) At the Division of Bank Supervision, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429:

(1) Filings and reports required under the provisions of 12 CFR Part 335 and the Securities and Exchange Act of 1934, as amended (15 U.S.C. 78a), by insured nonmember banks the securities of which are registered with the FDIC

pursuant to section 12 of that Act (15 U.S.C. 78f). These filings and reports are available for public inspection as detailed in 12 CFR 335.702.

(2) At the FDIC's discretion, reports required under section 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)) on changes in the control of an insured bank, to the extent that such reports contain (i) the name of the bank in which control has changed; (ii) the names of the sellers and purchasers of the stock; (iii) the number of shares of stock involved in the transaction; and (iv) the number of shares of issued stock of the bank that are outstanding.

(3) Manual of Examination Policies.

(d) At the regional office of the FDIC where the applicant bank is located: In the FDIC's discretion, nonconfidential portions of application files as provided in 12 CFR 303.14(c), including applications for deposit insurance, to establish branches, to relocate offices and to merge. A list of FDIC's regional offices is available from the Office of Information, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429, (202) 389-4221.

(e) At the Data Base Section, Office of Management Systems and Financial Analysis, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429:

(1) At FDIC's discretion, the Consolidated reports of Income and Consolidated Reports of Condition filed by insured nonmember banks (and certain nonfederally insured banks in the case of reports of condition):¹

(2) At the FDIC's discretion, Summary of Accounts and Deposits filed by insured banks, except that information identifiable to individual banks on the size of accounts and the number of accounts is not available:²

(f) At the Bank Statistics Branch, Office of Management Systems and Financial Analysis, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429: Annual Reports of Trust Assets for commercial and mutual savings banks.³

(g) At the Division of Liquidation, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429: Instructions to Liquidators.

4. Section 309.5 is revised to read as follows:

¹ Reports of income and of condition are described at 12 CFR 304.3 (m-p).

² Summary of accounts and deposit reports are described at 12 CFR 304.3 (q) and (r).

³ Annual Report of Trust Assets, FFIEC Form 001.

§ 309.5 Information made available upon request.

(a) *Initial request.* (1) Except as provided in § 309.5 (c), (g) and (h) the FDIC, upon request for any record in its possession or control, will make the record available to any person who agrees to pay the costs of searching and duplication as set forth in § 309.5(b). The request must be in writing, provide information reasonably sufficient to enable the FDIC to identify the requested records and specify a dollar limit which the requester is willing to pay for the costs of searching and duplication, unless the costs are believed to be less than \$25.00. Requests under this § 309.5(a) should be addressed to the Office of the Executive Secretary, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

(2) The FDIC will notify the requester within 10 business days after receipt of the initial request whether it is granted or denied. Denials of requests will be based on the exemptions provided for in § 309.5(c).

(3) Notification of a denial of an initial request will be in writing and will state: (i) If the denial is in part or in whole; (ii) the name and title of person each responsible for the denial (when other than the person signing the notification); (iii) the exemptions relied on for the denial; and (iv) the right of the requester to appeal the denial to the FDIC's General Counsel within 30 business days following receipt of the notification.

(b) *Fees.* (1) Persons requesting records of the FDIC shall be charged for the costs of searching (even though records are not found or released) and duplication unless the total costs are \$25.00 or less for any request or series of requests. "Search" includes any method of extracting information from computerized record systems; and, the cost of searching may include direct costs associated with the transfer of records and the indexing and filing of records as necessary to maintain the integrity of FDIC's record systems. Where the FDIC estimates that the costs of searching and duplication will exceed the dollar amount specified in the request, or where no dollar amount is specified, the FDIC will advise the requester of the estimated costs (if greater than \$25.00). Whenever it is estimated that the cost will exceed \$200.00, the requester must pay in advance an amount equal to 20 percent of the estimated costs. For the purpose of computing the time in which a request must be granted or denied, a request for records will not be deemed to have been received by the FDIC until the requester has agreed in writing to pay the costs of

searching and duplication, as estimated by the FDIC, and until the FDIC receives any required advance payment. Upon written request and at fees comparable to those listed in this § 309.5(b), the FDIC will undertake to compile requested information in summary, tabular or other form, unless the FDIC determines, in its discretion, that compliance with the request would be unduly burdensome or time consuming.

(2) Fees for search and duplication are:

Supervisory or professional staff—\$14.50/hour

Clerical staff—\$7.50/hour

Duplication—\$0.10/page

Computer Generated Documents:

Computer central processing unit (CPU)—\$0.021/CPU second

Core (Main storage)—\$0.000023/1000 bytes/second

Magnetic tape drive—\$0.17/1000/tape input/output operation

Disk storage device—\$0.153/1000/disk input/output operation

Computer paper printout—\$0.16/1000 lines

Photocopy printed output—\$0.70/1000 lines

Output on computer magnetic tape reel—\$75.00

Address labels—\$8.00/1000 labels

(3) Any person may request, as part of the initial request for records, that the FDIC waive or reduce the chargeable fees for searching and duplication. Requests for a waiver or reduction of fees should state how the requested information will primarily benefit the general public. Determinations whether a waiver or reduction of fees is in the public interest because furnishing the information will primarily benefit the general public will be made by the Executive Secretary or his designee. The requester will be notified in writing of the Executive Secretary's determination whether a waiver or reduction of fees is in the public interest.

(c) *Exempt information.* A request for records may be denied if the requested record contains information which falls into one or more of the following categories.* If the requested record contains both exempt and nonexempt information, the nonexempt portions which may reasonably be segregated from the exempt portions will be released to the requester.

(1) Records which are (i) specifically authorized under criteria established by an Executive order to be kept secret in

* Classification of a record as exempt from disclosure under the provisions of § 309.5(c) shall not be construed as authority to withhold the record if it is otherwise subject to disclosure under the Privacy Act of 1974 (5 U.S.C. 552a) or other Federal statute, any applicable regulation of FDIC or any other Federal agency having jurisdiction thereof, or any directive or order of any court of competent jurisdiction.

the interest of national defense or foreign policy and (ii) are in fact properly classified pursuant to such Executive order;

(2) Records related solely to the internal personnel rules and practices of the FDIC;

(3) Records specifically exempted from disclosure by statute (other than the Privacy Act of 1974, 5 U.S.C. 552a), provided that such statute (i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Interagency or intraagency memoranda or letters which would not be available by law to a private party in litigation with the FDIC;

(6) Personnel and medical files and similar files (including financial files) the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that disclosure of the records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel; and

(8) Records contained in or related to examination, operating, or condition reports by or on behalf of, or for the use of, the FDIC or any agency responsible for the regulation or supervision of financial institutions.

(d) *Appeals.* (1) A person whose initial request for records under § 309.5(a) has been denied, either in part or in whole, has the right to appeal the denial to FDIC's General Counsel within 30 business days after receipt of notification of the denial. Appeals of denials of initial requests must be in writing and include any additional information relevant to consideration of the appeal. Appeals should be addressed to the Office of the Executive Secretary, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

(2) The FDIC will notify the appellant within 20 business days after receipt of the appeal whether it is granted or denied. Denials of appeals will be based

on the exemptions provided for in § 309.5(c).

(3) Notifications of a denial of an appeal will be in writing and will state: (i) Whether the denial is in part or in whole; (ii) the name and title of each person responsible for the denial (if other than the person signing the notification); (iii) the exemptions relied upon for the denial; and (iv) the right to judicial review of the denial under the Freedom of Information Act (5 U.S.C. 552).

(e) *Extension of time.* Under unusual circumstances the FDIC may require additional time, up to a maximum of 10 business days, to determine whether to grant or deny an initial request or to respond to an appeal of an initial denial. These circumstances would arise in cases where (i) the records are in facilities, such as field offices or storage centers, that are not part of the FDIC's Washington office, (ii) the records requested are voluminous and are not in close proximity to one another, or (iii) there is a need to consult with another agency or among two or more components of the FDIC having a substantial interest in the determination. The FDIC will promptly give written notification to the person making the request of the estimated date it will make its determination and the reasons why additional time is required.

(f) *FDIC procedures.* (1) Initial requests for records will be forwarded by the Executive Secretary to the head of the FDIC Division or Office which has custody of such records. Where it is determined that the requested information may be released, the appropriate Division or Office head will grant access to the information. A request for records may be denied only by the Executive Secretary or his designee, except that a request for records not responded to within 10 business days following its receipt by the Office of Executive Secretary—by notice to the requester either granting the request, denying the request, or extending the time for making a determination on the request—shall, if the requester chooses to treat such delay in response as a denial, be deemed to have been denied by the head of the Division or Office to which the request was referred for action.

(2) Appeals from a denial of an initial request will be forwarded by the Executive Secretary to the General Counsel of his designee for a determination whether the appeal will be granted or denied. The General Counsel may on his own motion refer an appeal to the Board of Directors for a determination and the Board of

Directors on its own motion may consider an appeal.

(g) *Records of another agency.* If a requested record is the property of another Federal agency or department, and that agency or department, either in writing or by regulation, expressly retains ownership of such record, upon receipt of a request for the record the FDIC will promptly inform the requester of this ownership and immediately shall forward the request to the proprietary agency or department either for processing in accordance with the latter's regulations or for guidance with respect to disposition.

(h) *Records of receiver or liquidator of assets.* If a requested record is held by the Corporation in its capacity as the receiver of a closed insured bank or the liquidator of assets acquired from an open or closed insured bank, upon receipt of a request for the record the FDIC will inform the requester of the capacity in which it holds such record and shall forward the request to the FDIC's Division of Liquidation for processing and disposition. Disclosure of such records shall be subject to appropriate Federal or State law applicable to FDIC as receiver or liquidator as well as to the determination of any Federal or State court having jurisdiction over FDIC or over such record. Denials of requests may be appealed to FDIC's General Counsel within 30 business days following receipt of notification of the denial.

5. Paragraph (a) of § 309.6 is revised to read as follows:

§ 309.6 Disclosure of exempt records by Corporation personnel.

(a) *Exempt records.* The provisions of § 309.6 apply to any records which are exempt from disclosure under § 309.5(c) regardless of the fact that such records may be subject to disclosure under the Privacy Act of 1974 (5 U.S.C. 552a) or other Federal statute, any applicable regulation of the FDIC or any other Federal agency having jurisdiction thereof, or any directive or order of any court of competent jurisdiction.

6. Section 309.6 is amended by renumbering existing footnotes 10, 11, 12, 13, 14, 15 as footnotes 5, 6, 7, 8, 9, 10, respectively.

By Order of the Board of Directors this 17th day of May 1982.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Deputy Executive Secretary.

[FR Doc. 82-14116 Filed 5-21-82; 8:45 am]

BILLING CODE 6714-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 108

Loans to State and Local Development Companies

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: The regulations proposed herein are intended to conform the certification requirements for the Small Business Administration's section 503 Certified Development Company Program by eliminating the regulation that 503 development companies operating on a statewide basis be authorized by a special act of the state legislature. Furthermore, the proposed regulations would establish a standardized membership requirement and abolish the requirement that statewide 503 development companies contain a minimum of 10 corporate members.

DATE: Comments must be received on or before June 23, 1982.

ADDRESS: Submit comments to: Alan B. Abraham, Financial Analyst, Office of Lender Relations and Certification, Small Business Administration, 1441 L Street, NW., Rm 804, Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Alan B. Abraham, Financial Analyst, Office of Lender Relations and Certification, Small Business Administration, 1441 L Street, NW., Rm 804, Washington, D.C. 20416; Telephone (202) 653-9181.

SUPPLEMENTARY INFORMATION: In order to provide uniform certification requirements, a number of modifications are being proposed with regard to 503 development companies organized on a statewide basis. The existing regulations require a 503 development company organized on a statewide basis to comply with three special conditions: (1) Incorporation must be pursuant to special act of the state legislature; (2) state 503 development company must be comprised of corporate members and (3) the minimum number of corporate members must be at least 10. The proposed regulations would abolish the requirement that a statewide 503 development company be authorized by a special act of the state legislature. In addition, the proposed regulation would require that all development companies have at least 25 representative members, who needn't be corporate members.

For the purpose of compliance with the Regulatory Flexibility Act, Pub. L. 96-354, effective January 1, 1981, SBA hereby certifies that these proposed

rules, if promulgated in final form, will not have a significant economic impact on a substantial number of small entities. SBA perceives no economic consequences of this amendment. It is merely an administrative revision of programmatic guidelines. In addition these regulations, if promulgated in final form, would not constitute major rules for the purpose of Executive Order 12291.

List of Subjects in 13 CFR Part 108

Small businesses, Loan programs, Section 503 Certified Development Company Program.

PART 108—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Pursuant to the authority contained in section 308(c) of the Small Business Investment Act of 1958 (SBI Act), 15 U.S.C. 687, it is proposed to revise the introductory text and paragraph (b) of § 108.503-1, Chapter I, Part 108 of Title 13, of the Code of Federal Regulations, as follows:

§ 108.503-1 Eligibility requirements.

SBA is authorized to guarantee the timely payment of all principal and interest as scheduled on any debenture issued by any qualified development company. The full faith and credit of the United States is pledged to the payments of all amounts so guaranteed. Such debentures (herein sometimes referred to as 503 debentures) will be issued within certain limits solely for the purpose of assisting identifiable small business concerns to finance plant acquisition, construction, conversion, or expansion, including the acquisition of land. Plant construction includes the acquisition and installation of machinery and equipment. For the purpose of this section, development companies qualified to participate in this program (herein sometimes referred to as "503 companies") shall be formally certified by SBA on the terms and conditions contained herein, consistent with the intent of Congress. To qualify, a development company must demonstrate to the satisfaction of SBA that it has:

- (a) * * *
- (b) *Membership.* The 503 company must be representative of the state, counties, county or city in which the company operates. Evidence of such representation shall include the following: (1) The 503 company must have at least 25 individual members or stockholders that are representative of its area of operation. No member or stockholder may own or control more than ten percent of the development company's stock or voting membership.

(2) The membership must include participation by each of the following four groups.

- (i) *Government:* The appropriate level of government that reflects the 503 development company's area of operation. State 503 development companies must have state governmental representation; countywide or multi-county 503 development companies must have governmental representation that ensures that each county is represented; citywide 503 development companies must have representation from the local city government.

(ii) *A Private Sector Lending Institution;*

(iii) *Community Organization;*

(iv) *Business Organization;*

(3) The board of directors must contain representation from (b)(3)(i) and (ii) of this section.

(4) The 503 development company must demonstrate to the satisfaction of SBA the capability required by paragraph (a) of this section adequate to its area of operation.

(5) Any 503 development companies which do not meet the above requirements shall do so on or before one year from the effective date of this regulation.

James C. Sanders,
Administrator.

[FR Doc. 82-14019 Filed 5-21-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket Number 82-ACE-03]

Alteration of Transition Area—Dodge City, Kansas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This action withdraws the proposal to amend the Dodge City, Kansas, transition area. The amendment was proposed so as to permit an additional instrument approach procedure resulting from the installation of a Non-Directional Radio Beacon (NDB). It inadvertently indicated that an NDB instrument approach procedure would be established. There are no current plans for installing an NDB. Therefore, Notice of Proposed Rulemaking Docket No. 82-ACE-03 is being withdrawn.

EFFECTIVE DATE: May 12, 1982.

FOR FURTHER INFORMATION CONTACT:

Don A. Peterson, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: On March 11, 1982, the FAA proposed to amend Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by altering the transition area at Dodge City, Kansas. The proposal appeared in 47 FR 10592, 10593. The amendment would provide additional controlled airspace for aircraft executing a new instrument approach to the Dodge City, Kansas, Municipal Airport, utilizing the Dodge City Non-Directional Beacon (NDB) as a navigational aid. Subsequent to the issuance of the proposal, the FAA ascertained that there are no current plans for installing an NDB at Dodge City, thereby making this NPRM moot. Accordingly, it is being withdrawn. Since this withdrawal cancels a proposed rule, additional notice and public procedure hereon under 5 U.S.C. 553(b) is unnecessary and impracticable.

The Withdrawal

Accordingly, pursuant to the authority delegated to me by the Administrator, Notice of Proposed Rulemaking Docket No. 82-ACE-03 (47 FR 10592, 10593; March 11, 1982), is hereby withdrawn.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

(Sec. 307(a) Federal Aviation Act of 1958, as amended (49 U.S.C. 1348); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

Note.—This withdrawal cancels a proposal which is no longer applicable. For this reason, the FAA has determined that it involves a withdrawal of a proposed regulation which is (1) not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) it is certified under the criteria of the Regulatory Flexibility Act that the withdrawal will not have a significant economic impact on a substantial number of small entities.

Issued in Kansas City, Missouri, on May 12, 1982.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 82-13868 Filed 5-21-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71**[Airspace Docket No. 82-ASW-26]****Proposed Designation of Transition Area: Waller, TX****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes designation of a transition area at Waller, TX. The intended effect of the proposed action is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Skylake Airport, Waller, TX. This action is necessary to provide protection for aircraft executing an instrument approach procedure using the Navasota VORTAC.

DATE: Comments must be received on or before June 23, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: James L. Owens, Airspace and Procedures Branch, ASW-536, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:**History**

Federal Aviation Regulation Part 71, Subpart G, § 71.181 as republished in Advisory Circular AC 70-3 dated January 29, 1982, contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Designation of the transition area at Waller, TX, will necessitate an amendment to this subpart. This amendment will be required at Waller, TX, since there is a new IFR procedure to the Skylake Airport.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire.

Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82-ASW-26." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Waller, TX, New

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Waller, TX, Skylake Airport (latitude 29°59'26" N., longitude 96°03'30" W.). (Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c).)

Note.—The FAA has determined that this proposed regulation only involves an

established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on May 12, 1982.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 82-13892 Filed 5-21-82; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION**17 CFR Part 240****[Release No. 34-18738; File No. S7-930]****Order Exposure Rules****AGENCY:** Security and Exchange Commission.**ACTION:** Proposed rules.

SUMMARY: The Commission is proposing for comment two alternative Commission rules providing for increased exposure of orders in certain securities. These rules are proposed in response to concerns potentially arising from the present ability of market makers or market centers to execute orders without providing other markets access to those orders. The proposed Commission rule would require market makers or market centers to expose customer orders in certain securities to other markets before executing them internally. The Commission is also specifically requesting comment on the need for such a rule.

DATE: Comments to be received by July 23, 1982.

ADDRESSES: All comments should be submitted in triplicate and addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 N. Capitol Street, Washington, D.C. 20549. (Comments which will be received after July 15, 1982 should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 5th Street, Washington, D.C. 20549). All comments should refer to File No. S7-930 and will be available for public inspection at the Commission's Public Reference Room,

1100 L Street, N.W., Washington, D.C. (after July 3, 1982, 450 5th Street, Washington, D.C.).

FOR FURTHER INFORMATION CONTACT: Michael J. Simon, (202) 272-2889, or Robert Colby (202) 272-2886, Division of Market Regulation, Securities and Exchange Commission, 500 N. Capitol Street, Washington, D.C. 20549 (after July 15, 1982, 450 5th Street, N.W., Washington, D.C.).

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission ("Commission") is proposing for comment two alternative Commission rules, Rules 11A-1[A] and [B] under the Securities Exchange Act of 1934 ("Act"), to address concerns potentially arising from the failure of market makers or market centers to expose their order flow. Proposed Rule 11A-1[A] is based on a rule proposal submitted by the New York Stock Exchange, Inc. ("NYSE") and would only apply to over-the-counter ("OTC") market makers. Proposed Rule 11A-1[B], which is based in general on principles developed by a committee of the Securities Industry Association, composed of representative segments of the securities industry, would require exchange and OTC market makers to expose customer orders to buying and selling interest of other markets before dealing with these orders as principal. The Commission is also soliciting comment on a third alternative of deferring Commission action on an anti-internalization measure for the present time.

I. Introduction

In the Securities Acts Amendments of 1975,¹ Congress charged the Commission with facilitating the development of a national market system. While not specifically defining what that system should comprise, Congress set forth a number of goals and objectives to guide the development of a national market system. Among these objectives was the enhancement of fair competition among brokers and dealers, exchange markets, and markets other than exchange markets.² Consistent with the Congressional desire to enhance competition through the removal of unnecessary regulatory restrictions, Congress specifically instructed the Commission to examine exchange off-board trading restrictions, which prevent exchange member firms from effecting transactions in listed securities other than on an exchange, and to remove off-board trading restrictions

that have anti-competitive effects not otherwise justified by the goals or purposes of the Act.³

The Commission considered exchange off-board trading restrictions in several proceedings following adoption of the 1975 Amendments, and concluded that these off-board trading restrictions impose burdens on competition.⁴ However, the Commission also recognized that elimination of off-board trading restrictions with respect to principal transactions involved potential risks of internalization⁵ of retail order flow by member firms, which in turn raised market fragmentation and fiduciary concerns. Consequently, the Commission has proceeded with caution in addressing off-board principal restrictions.⁶ However, after thorough consideration, including six days of public hearings, the Commission in June of 1980 adopted Rule 19c-3 under the Act, precluding the application of off-board principal restrictions with respect to certain securities newly-listed on an exchange.⁷

In adopting Rule 19c-3, the Commission concluded that, at least with respect to Rule 19c-3 securities, the benefits of preserving existing OTC market making in competition with exchange markets, combined with the experiential benefits to the Commission and the industry of observing actual concurrent trading of listed securities by exchange markets and OTC market makers, outweighed the potential risks that might result from removing exchange off-board principal restrictions. In deciding to take action with respect to these principal restrictions, the Commission fully considered internalization concerns identified by commentators, including

the potential problems of overreaching of customers by OTC market makers,⁸ the fragmentation of order flow among market centers,⁹ and adverse competitive effects on exchange market makers and small broker-dealers.¹⁰

Although the Commission determined to proceed with the Rule 19c-3 experiment, it recognized the significance of the potential internalization concerns raised by commentators. In response, the Commission suggested in the Rule 19c-3 Adoption Release several means by which internalization could be addressed if problems developed in the future, including a rule requiring market makers to hold out agency retail orders to other buying and selling interest for a minimum period of time before executing against that order as principal.¹¹ In addition, an ongoing surveillance program was established by the Commission in conjunction with the National Association of Securities Dealers, Inc. ("NASD"), to monitor the effects of Rule 19c-3 on the markets, and to detect and take action with respect to any problems that might develop. The Commission also indicated, however, that some internalization type concerns are also present in the trading of listed securities on exchanges, because orders sent to an exchange market are not necessarily exposed to other markets even where there is a superior quotation displayed by another market.¹²

At the time Rule 19c-3 was adopted, the Commission emphasized the importance of developing an effective linkage between exchange trading floors and OTC markets in Rule 19c-3

¹Section 11A(c)(4)(A) of the Act.

²See Securities Exchange Act Release No. 11942 (December 19, 1975), at 5-7, 4 FR 4507, 4509; Securities Exchange Act Release No. 13662 (June 23, 1977), at 36-38, 42 FR 33510, 33514 ("June Release").

³The Commission has defined the term "internalization" as referring to "the withholding of retail orders from other market centers, for the purpose of executing them in-house, as principal, without exposing those orders to buying and selling interest in those other market centers." See Securities Exchange Act Release No. 16388 (June 11, 1980) at 18, n. 31, 45 FR 41125, 41128, n. 31 ("Rule 19c-3 Adoption Release").

⁴For a more complete discussion of prior Commission action concerning off-board trading restrictions, see Securities Exchange Act Release No. 15769 (April 26, 1979), at 5-8, 44 FR 26688-89.

⁵Specifically, Rule 19c-3 precludes exchange off-board trading restrictions from applying to reported securities (i.e., securities for which transaction reports are made available pursuant to an effective transaction reporting plan), which were listed on an exchange after April 26, 1979 (the date of the proposal of Rule 19c-3) or which were listed on April 26, 1979 by ceased to be traded on an exchange for any period of time thereafter ("Rule 19c-3 securities").

⁸"Overreaching" refers to broker-dealer firms taking advantage of their customers by executing retail transactions as principal at prices favorable to those customers than could have been obtained had those firms acted as agent. See June Release, *supra* note 4, at 70-84, 42 FR at 33519-21.

⁹Commentators have argued that fragmentation of order flow among disparate market centers potentially might result in a deterioration of the depth, liquidity and continuity of the markets, and a decrease in pricing efficiency. See Rule 19c-3 Adoption Release, *supra* note 5, 45 FR at 41128.

¹⁰*Id.*

¹¹Rule 19c-3 Adoption Release, *supra* note 5, 44 FR at 41129. In addition, several alternative rules, proposed in the context of the earlier Rule 19c-2 proceeding with respect to off-board trading restrictions, remain outstanding. See June Release, *supra* note 4, 42 FR at 3525.

¹²Rule 19c-3 Adoption Release, *supra* note 5, 45 FR at 41129. Although the ITS participants have adopted trade-through rules that limit the execution of trades at prices inferior to the displayed quotation of another market, see Securities Exchange Act Release No. 17704 (April 9, 1981), 46 FR 22520, it appears that orders initially directed to an exchange often are retained there as a result of the specialist's matching, for purpose of an individual order, the superior quotation of another market.

¹Pub. L. No. 94-29 (June 4, 1975), 89 Stat. 97, [1975] U.S. Code Cong. & Ad. News 97 ("1975 Amendments").

²Section 11A(a)(1)(C)(ii) of the Act.

securities, in order to achieve a greater degree of order interaction between markets, enhance opportunities for best execution, and allow full and effective competition to develop exchange and OTC markets. As a result, the Commission directed the NASD and the exchange participants in the Intermarket Trading System ("ITS")¹³ to renew their efforts to develop an automated linkage which would allow orders to be routed efficiently between OTC and exchange markets. The ensuing discussions between the NASD and the ITS participants over a number of months, however, did not result in agreement on implementation of linkage.

Accordingly, after providing the parties an extended opportunity to develop a linkage entirely on their own initiative, the Commission on April 21, 1981, issued an order ("linkage order") mandating the establishment of an automated interface between the ITS and the NASD's enhanced NASDAQ system (referred to as the Computer Assisted Executed System, or "CAES").¹⁴ Although internalization concerns were once again raised by commentators in the context of the linkage order, the Commission, after thorough consideration, determined that the interface would not directly exacerbate internalization concerns as a structural matter.¹⁵ While the

Commission maintained that development of a means of addressing internalization concerns was not a prerequisite to an interface and thus should not be allowed to delay the interface's implementation, it noted with approval the willingness of members of the securities industry to attempt to address internalization concerns on their own initiative, and expressed support for the ongoing industry efforts to develop an equitable and efficient resolution of those concerns which would be acceptable to all market participants.¹⁶

The resulting industry discussions have taken a variety of forms,¹⁷ including discussions sponsored by the Securities Industry Association ("SIA"). Under the auspices of the SIA, a special committee, composed of representatives of the OTC and exchange markets, including OTC market maker and exchange specialists, met to develop principles on which an acceptable anti-internalization rule could be based, if one were deemed necessary.¹⁸ After a number of extensive meetings during February and March of this year, the SIA committee reached agreement on certain general principles which should govern any inter-market exposure, rule, should it be determined that such a rule is needed. As discussed below, these principles contemplate that customer orders in Rule 19c-3 securities should be publicly exposed to other market interest. The principles would be generally applicable to all market makers in these securities, whether OTC or on an exchange floor.

In addition, the NYSE has submitted to the Commission a proposed rule incorporating order exposure requirements generally consistent with the SIA committee principles, but applicable only to OTC market makers in Rule 19c-3 securities. In making this submission, the NYSE did not discount the SIA committee's conclusion that additional exposure of public orders on exchange floors as well as in the OTC market also might be desirable. However, the NYSE argued that, because of the conflict of interest inherent in an OTC market maker trading as principal with his customer, concerns raised by the removal of off-broad trading restrictions required more immediate attention.¹⁹ Still, the NYSE

did express support for continued industry discussions regarding an exposure rule applicable to all markets.

The Commission regards the development of the general principles by the SIA committee as a highly commendable demonstration of dedication and initiative on the part of the committee members individually and of the securities industry generally. The Commission believes that the principles constitute a step forward in the process of articulating practical methods of addressing generalized order exposure concerns. The Commission also believes that the NYSE's effort to articulate those principles in rule form, reflecting the NYSE's belief that concerns raised by OTC internalization are materially different from concerns raised by the lack of order exposure in exchange markets, provides an important and concrete proposal addressing one aspect of this issue and serves a useful function in focusing industry attention on the issue. Notwithstanding the fact that this progress falls short of full resolution, however, the SIA committee has indicated (in the Commission's view correctly) that, in enunciating its internalization principles, the committee has completed its initial role. The NYSE has argued that, because of the complexity of the issues and the differing interests of sectors of the industry, further progress in addressing internalization concerns requires the active participation of the Commission. In light of the current status of these internalization discussions, the Commission believes that a full public discussion of the SIA committee principles, the NYSE proposal, and the underlying issue of the feasibility of an internalization rule, taking into account its cost and effect on the trading market, can most effectively be conducted now in the context of a Commission rulemaking proceeding.²⁰

Therefore, to encourage widespread consideration of these internalization proposals and to promote discussion and comment on the merits of various rule formulations derivable from the SIA

¹³ The ITS is an intermarket communications system operated jointly by certain national securities exchanges, and authorized by the Commission, on a provisional basis, as a national market system facility pursuant to 11A(a)(3)(B) of the Act. The current participants in ITS are the NYSE, and the American, Boston, Cincinnati, Midwest, Pacific and Philadelphia Stock Exchanges. In addition, the NASD has become an ITS Participant as of May 17, 1982. See note 14, *infra*.

¹⁴ See Securities Exchange Act Release No. 17744 (April 21, 1981) 46 FR 23856 ("Linkage Order Release"). The linkage order originally set a target date of March 1, 1982, for implementation of the interface. However, because of technical delays and the inability of the NASD and ITS participants to agree on amendments to the plan governing the operation of the ITS ("ITS Plan") necessary to include the NASD in ITS, the Commission postponed the implementation date until May 1, 1982, see Securities Exchange Act Release No. 18537 (March 4, 1982), 47 FR 10682, and proposed its own amendments to the ITS Plan. See Securities Exchange Act Release No. 18536 (March 4, 1982), 47 FR 10658. In view of the parties' continued inability to agree on the requisite amendments, the Commission has adopted its own amendments to the ITS Plan, including the NASD in ITS but generally deferring other outstanding issues until the end of the interface's six month pilot phase, in order to ensure timely implementation of the interface. See Securities Exchange Act Release No. 18713 (May 6, 1982). In addition, the Commission modified the linkage order by deferring the implementation date until May 17, 1982, on order to provide the ITS participants time to implement the Plan Amendments. See Securities Exchange Act Release No. 18712 (May 6, 1982).

¹⁵ See the Linkage Order Release, *supra* note 14, at 46 FR 23861.

¹⁶ *Id.* at 23860.

¹⁷ See the discussion of the internalization negotiations contained in Securities Exchange Act Release No. 18536 (March 4, 1982), 47 FR 10658.

¹⁸ The committee expressly refrained from addressing the question whether an internalization rule was necessary at the present time.

¹⁹ See Memorandum Re the Urgent Need For an Anti-Internalization Rule for the Rule 19c-3 Pilot,

prepared by the firm of Schiff Hardin & Waite, Special Counsel to the NYSE, contained in Letter from William M. Batten, Chairman, NYSE, to the Commissioners, Securities and Exchange Commission, dated April 5, 1982, at 13 ("NYSE memo").

²⁰ The Commission cannot emphasize too strongly the absolute necessity of continuing leadership from the SIA committee and other industry participants in coordinating further discussions on development of an equitable and efficient order exposure rule. The momentum created during the past few months must be sustained by immediate recommencement of these industry deliberations.

committee principles, as well as the necessity of an anti-internalization measure at the present time, the Commission has determined to propose for public comment two Commission rules under the Act. The Commission wishes to emphasize that the proposal of these rule formulations for the purpose of soliciting public comment does not constitute a determination that an anti-internalization measure is necessitated by present conditions or by implementation of the interface between the ITS and OTC markets. Indeed, the Commission is specifically requesting comment on the alternative of deferring a decision on an internalization rule, pending further study and evaluation of the results of the Rule 19c-3 experiment. In proposing these alternatives, the Commission is seeking to focus attention on the application of the order exposure principles to the existing markets, in order to further public discussion of internalization questions and to obtain the benefit of industry experience in considering the relative desirability and feasibility of each of the alternative proposals noted above.

II. Summary of Alternatives

The Commission is proposing and solicits comment on the following alternative responses to internalization concerns.

A. Deferring Action on an Anti-internalization Measure. Under this alternative, regulatory action with respect to internalization would not be taken until such time as action was warranted by some specific evidence of significant adverse effects resulting from internalization.

B. NYSE Rule Proposal. The NYSE rule proposal, designated proposed Rule 11A-1[A], would apply only to OTC market makers in Rule 19c-3 securities. Under the rule, prior to executing a customer order as principal, an OTC market maker would be required to "stop" (i.e., guarantee the execution of) the customer order, improve his bid or offer (as the case may be) to match the proposed execution price of the customer order, and publicly offer a customer sell order or bid a customer buy order, at an eighth better than the proposed execution price. Alternatively, a market maker could route its customer orders to CAES, but only if the market maker's proprietary traders were unaware of the entry of the order in CAES, and the person handling the order were unaware of the firm's proprietary position. Crossing two or more agency orders in the OTC market would be prohibited, except in CAES.

C. All Market Exposure Rule Proposal. The second rule, based on the SIA committee principles, designated proposed Rule 11A-1[B], would apply the order exposure requirements of proposed Rule 11A-1[A] to all market makers in Rule 19c-3 securities, whether off-board or on an exchange floor. Like proposed Rule 11A-1[A], the rule would require all market makers to stop a customer order at the proposed price, and publicly to bid or offer (as the case may be) the order at an eighth better than that price, before executing the order as principal. However, in order to reduce potential adverse effects on market making incentives and market efficiency, the rule would not require market makers to display a principal quotation matching the proposed execution price. Furthermore, OTC agency crosses outside of CAES would be allowed in certain instances. Proposed Rule 11A-1[B] also would contain a CAES order export alternative identical to that of proposed Rule 11A-1[A].

III. Discussion

A. Deferring Action on Internalization.

In adopting Rule 19c-3, the Commission recognized that increased opportunities for internalization of customer orders would be a collateral consequence of permitting member firms to compete as OTC marketing makers in listed securities. The Commission noted, however, that in addition to providing the benefit of OTC competition in newly listed securities, removal of off-board trading restrictions with respect to Rule 19c-3 securities would provide the Commission with a unique opportunity to evaluate the concerns relating to internalization in a limited context.²¹ The Commission also emphasized that the operation of a linkage between the ITS and the OTC markets was essential to a proper assessment of the extent and potential effects of internalization in the context of fully competitive markets.²² Therefore, the Commission concluded that, in the absence of some demonstrated adverse effects on the markets for Rule 19c-3 securities resulting from internalization by OTC market makers, it would be premature to consider a regulatory response to internalization.²³

²¹ See Rule 19c-3 Adoption Release, *supra* note 5, 45 FR at 41130.

²² See *Id.* at 41127; see also Linkage Order Release, *supra* note 14, at 46 FR 23857.

²³ See Rule 19c-3 Adoption Release, *supra* note 5, 45 FR at 41129; Linkage Order Release, *supra* note 14, 46 FR at 23857.

Commentators have raised two primary arguments in opposition to Commission action at the present time with respect to internalization. First, since the inception of Rule 19c-3 no harmful effects relating to internalization have been demonstrated as resulting from OTC trading of Rule 19c-3 securities, and consequently no anti-internalization rule is needed.²⁴ In this connection, the Commission notes that its surveillance of Rule 19c-3 markets has not revealed any significant negative impact on the quality of these markets resulting from OTC market making in Rule 19c-3 securities.²⁵ Furthermore, the instances of potential overreaching identified by the NASD's and the Commission's ongoing monitoring efforts have been negligible.²⁶ Given these conditions, one commentator has stated that adoption of an anti-internalization measure by the Commission, in advance of any demonstrated internalization problems, would constitute "the essence of overregulation."²⁷ Indeed, other commentators, including a participant in the SIA committee, have suggested that it would be premature to evaluate internalization concerns before an automated interface went into effect, because such an interface could significantly ameliorate potential internalization concerns.²⁸ In particular, commentators have argued that the existence of a competitive environment, in addition to existing market information systems, would help provide discipline against overreaching of customers by dealers.²⁹ Commentators emphasized that this competitive discipline was, of course, supplementary to the fiduciary responsibilities of best execution owed by a market maker to a

²⁴ See Letter from Elliot Smith, Bache Halsey, Stuart Shields, Inc.; William G. Morton, Dean Witter Reynolds, Inc.; Sam Scott Miller, Paine, Webber Jackson & Curtis, Inc.; and Thomas Sullivan, Smith Barney, Harris Upham & Co., Inc., to John S. R. Shad, Chairman, Securities and Exchange Commission, dated March 16, 1982 ("March 16 Letter").

²⁵ Securities and Exchange Commission, A Monitoring Report on the Operation and Effects of Rule 19c-3 under the Securities Exchange Act of 1934, August, 1981 ("Monitoring Report").

²⁶ See, e.g., Monitoring Report, *supra* note 25, at 35.

²⁷ See Letter from Jeremiah A. Mullins, Chairman, and Morton Weiss, President, National Security Traders Association, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, dated March 24, 1982, at 2 ("NSTA Letter").

²⁸ See Letter from H. C. Piper, President, and Kenneth J. Wessels, Senior Vice President, Piper, Jaffray, & Hopwood, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, dated March 31, 1982, ("Piper, Jaffray Letter") at 2; NSTA Letter, *supra* note 27, at 2.

²⁹ See March 16 Letter, *supra* note 24, at 2; See also Rule 19c-3 Adoption Release, *supra* note 5, at 41128.

customer.³⁰ Commentators also have argued that, because of the efficiencies involved, internalization of order flow can result in benefits to customers, and consequently an anti-internalization rule would constitute a new artificial restraint on market making to the detriment of the public.³¹

The second argument against an anti-internalization measure is that it would have a detrimental impact on OTC market making. Commentators have argued that an anti-internalization measure, and in particular an order exposure rule such as proposed Rule 11A-1[A] or [B], would make it both expensive and cumbersome for a firm to execute customer orders from its own account.³² These commentators assert that by imposing order exposure requirements that impair the efficiency of in-house execution of customer orders, such a rule would seriously reduce the profitability of a firm functioning as a Rule 19c-3 market maker and thus reduce incentives to make competitive markets in Rule 19c-3 securities. In addition, because the bulk of the order flow in Rule 19c-3 securities continues to be routed to the primary exchange markets, OTC market makers have had little opportunity to attract order flow other than from their own retail customers.³³ Consequently, impeding efficient execution by member firms of retail customers orders could seriously affect their ability to continue their market making function, thus reducing the potential for OTC market maker competition with exchange markets, and curtailing the Commission's experiment with concurrent OTC and exchange market making.

On the other hand, several arguments have been advanced in favor of an anti-internalization measure involving order exposure requirements, on grounds distinct from the question of whether in internalization measure is necessary to eliminate potential overreaching by OTC market makers. In particular, it appears that the changes in the manner of market making inherent in the order

exposure alternatives of proposed Rule 11A-1 [A] and [B], discussed in greater detail below, could result in significantly increased opportunities for competition for order flow between markets and market makers, and in improved executions for public customers' orders.

By requiring that customers' orders in Rule 19c-3 securities be publicly bid or offered through the Consolidated Quotation System³⁴ before execution as principal, the order exposure requirements of the two alternative rules would provide other markets with access through ITS to the internal order flow of an OTC market maker, and, in the case of proposed Rule 11A-1[B], an exchange. As a result, market makers would for the first time be able to compete aggressively for other markets' order flow, offering the possibility of the development of vigorous intermarket competition, with possible resultant benefits for the quality of the markets.

In addition, these order exposure requirements could benefit public customers by requiring affirmative efforts on behalf of customer orders, augmenting those owned pursuant to a firm's fiduciary best execution responsibility.³⁵ The practical effect of the order exposure rules, in combination with the ITS participant's trade-through rules, would be to require a firm, prior to executing a customer order as principal, actively to seek a better execution than that evidenced by existing quotations. Specifically, a firm would be required publicly to bid or offer the customer order at an eighth better than its proposed execution price, which must equal the best prevailing quotation to avoid a trade-through, in order to elicit any interest at that better price from other market centers.

With respect to the alternative of deferring action on an anti-internalization measure, the Commission solicits comments (1) on whether an anti-internalization measure is necessary at the present time, and (2) on the likely effects of an anti-internalization measure on the efficiency of the operation of OTC market makers, and their willingness to continue engaging in Rule 19c-3 market making subject to an anti-internalization measure. In addressing the need for an

anti-internalization rule and the effects on market makers of such a rule, the Commission requests commentators to address whether an order exposure rule would further additional national market system objectives by enhancing pricing efficiency, increasing competition for order flow, and providing better executions for public customers.

B. Proposed Rules

1. *Description of the NYSE Rule.* The NYSE's proposed rule, which is being proposed by the Commission for comment as Rule 11A-1[A], would impose certain restrictions on the manner in which OTC market makers in Rule 19c-3 securities deal as principal with customer orders.³⁶ Specifically, the broker-dealer would have to follow one of two alternative sets of procedures before dealing as principal.

First, the broker could expose the order to other market centers (the "order exposure" alternative) by: (i) "Stopping" the total number of shares of the order (*i.e.*, guaranteeing the execution of the order) at the intended execution price;³⁷ (ii) exposing the customer order at a price $\frac{1}{8}$ better than the intended execution price for 60 seconds; and (iii) publishing a quotation at the stop price for his own account for 60 seconds, in a size equal to the customer order. After doing so, if the customer did not receive an execution at the superior price, the broker-dealer may execute the order as principal.³⁸ Rule 11A-1[A] would except the broker-dealer from the requirement that he expose the customer order at a price $\frac{1}{8}$ better if his existing published quotation represents a customer order at that price and is maintained for 60 seconds.³⁹ Similarly, the broker-dealer would not have to publish a quotation for his own account at the stop price if

³⁰ "Customer" is defined in Section (d)(13) of the rule to include, generally, (i) any person other than a broker-dealer and (ii) any person from whom an order has been accepted for execution, but only with respect to orders so accepted.

³¹ In order to avoid trading through other ITS markets (*i.e.*, trading at an inferior price than available in other ITS markets), the stop price would have to be at least as good as the best price then available in any participating ITS market.

³² For example, assume a customer sends an order to sell 500 shares of XYZ, a 19c-3 security, and the broker-dealer's quotation is 19 $\frac{1}{8}$ bid, 20 $\frac{1}{4}$ asked (both for 100 shares), with the inside ITS market being 20 bid, 20 $\frac{1}{4}$ asked. The broker-dealer would have to (i) stop the order at 20; (ii) offer the 500 shares for the customer at 20 $\frac{1}{4}$ ($\frac{1}{8}$ above the stop); and (iii) bid for the 500 shares at 20 as principal (the intended execution price). After publishing those quotations for 60 seconds, the broker-dealer could buy the 500 shares as principal at 20.

³³ If the quotation is for a proprietary account, the broker-dealer would have to increase the size of the quotation by the size of the customer order.

³⁴ See March 16 Letter, *supra* note 24, at 2; Piper, Jaffray Letter, *supra* note 28, at 1.

³⁵ See March 16 Letter, *supra* note 24, at 2.

³⁶ See March 16 Letter, *supra* note 24, at 2; see also Letter from Jerry Williams, Jerry Williams Inc., to John S. R. Shad, Chairman, Securities and Exchange Commission, dated April 14, 1982.

³⁷ See Monitoring Report, *supra* note 25, at 15-17.

³⁸ The Consolidated Quotation System collects quotations in reported securities from all participating market centers and makes these quotations available in the form of a single consolidated data stream. The System was approved on a permanent basis on January 22, 1980. See Securities Exchange Act Release No. 16518 (January 22, 1980), 45 FR 6521.

³⁹ The Consolidated Quotation System collects quotations in reported securities from all participating market centers and makes these quotations available in the form of a single consolidated data stream. The System was approved on a permanent basis on January 22, 1980. See Securities Exchange Act Release No. 16518 (January 22, 1980), 45 FR 6521.

⁴⁰ See Rule 19c-3 Adoption Release, *supra* note 5, at 41130, n. 60; see also Securities Exchange Act Release No. 15671 (March 22, 1979), 44 FR 20360 63 at n. 30.

he already has published such a quotation and maintains that quotation for at least 60 seconds after receipt of the order.⁴⁰

The second alternative available to the broker-dealer would be to enter the order into CAES otherwise than directing the order to himself for execution. This alternative (the "order export" alternative) also would require the broker-dealer to put in place procedures which would preclude (i) persons at the broker-dealer's firm responsible for proprietary trading in that security from having any knowledge of the customer order prior to its entry into CAES; and (ii) having persons responsible for dealing with customer orders in that security from having any knowledge of the firm's proprietary positions or trading strategy in that security (the "knowledge limitation").

In addition, the rule would require that all agency cross transactions not executed on a national securities exchange would have to be entered into CAES. Finally, Rule 11A-1[A] would exclude from its "hold out" and "order export" requirement certain types of transactions, including block transactions,⁴¹ tender offers, certain distributions and odd lots.⁴²

2. Description of the All Market Exposure Rule. The SIA Special Committee on the ITS-NASD Market Linkage was comprised of representatives of integrated warehouses, regional broker-dealers, block and institutional broker-dealers and exchange specialists. Although the committee has not finished its work and has not proposed a specific rule, it did develop a set of principles describing an order exposure rule to address internalization, if it is determined that an anti-internalization rule is necessary.

⁴⁰ If a broker-dealer's proprietary quotation is accepted in whole or in part by one or more third parties, and the broker-dealer subsequently revises his quotation, superseding the quotation representing the customer order, the broker-dealer is deemed to have met the hold out requirements and may execute the customer order at the stop price. For example, in the example in note 38, *supra*, if the broker-dealer's bid of 20 is accepted and the broker-dealer lowers his quotation to 19½ bid, 20 asked, the broker-dealer can execute the customer's 500 share sell order at 20.

⁴¹ A block is defined in section (d)(17) of the rule to be 10,000 shares or a quantity of stock having a market value of \$200,000 or more.

⁴² The Commission has made a number of minor technical changes to the NYSE submission. These changes include exempting from the rule transactions outside normal business hours (exchange off-board trading restrictions do not apply at such time); adding definitions of "effective transaction reporting plan," "transaction report," "ITS," "CAES," "third market maker," and "broker-dealer" and giving the Commission the authority to grant exemptions from the rule.

The Commission has taken those principles and applied them generally to the NYSE rule in order to proposed an alternative rule for public comment. That rule, proposed as Rule 11A-1[B], while generally based on the SIA committee principles, also includes provisions contained in the NYSE rule as well as provisions not directly addressed by the committee, but which the Commission believes may make trading pursuant to the rule more efficient.

Rule 11A-1[B] reflects the SIA committee's agreement that any rule addressing internalization should apply both to OTC market makers and exchange specialists in Rule 19c-3 securities. The rule also reflects the SIA committee's agreement that a rule should contain an order exposure alternative similar to that contained in the NYSE rule. The SIA committee principles, and thus proposed Rule 11A-1[B], differ from the NYSE rule in that the order exposure alternative would require only that the customer's order be exposed at a better price than the existing quotation, and not that the dealer expose his principle interest in the order at the intended execution price. Rule 11A-1[B], however, like Rule 11A-1[A] would require a stop at the intended execution price.

Not addressed in the SIA principles is the procedure to follow when the dealer already has outstanding a quotation at a price ¼ superior to the intended execution price. The Commission is proposing, as an alternative to the procedure suggested by the NYSE, that the market maker need not increase the size of that quotation as long as the size of the quotation is at least that of the customer order, even if the market maker's quotation is as principal. The customer order, however, would be "deemed" to be represented by the market maker's quotation for 60 seconds after receipt of the customer order. Thus, if during that 60 second period, the market maker's quotation is executed against, the Rule would require that the customer order receive the benefit of the execution.⁴³

⁴³ Rule 11A-1[B] also provides that, if the broker-dealer changes his quotation to the stop price during the 60 seconds that a customer's order is exposed either due to an execution at this quotation price or otherwise justified by market conditions, the broker-dealer will have satisfied his hold-out obligations and may execute his customer's order at the stop price. For example, if the broker-dealer has stopped his customer sell order at 20, and has a preexisting customer offer outstanding at 20½, which then is executed against in whole, the broker-dealer can lower his offer to 20, the stop price, and execute the customer's sell order at that price. Similarly, if the market moves down, and the broker-dealer wants to lower his principal offer to 20, the broker-dealer may do so if he executes the

With respect to agency crosses, the SIA committee indicates that it has not completed its deliberations on the subject but is working on the concept of a general order exposure requirement. While the Commission encourages the SIA Committee to continue its efforts to develop a more detailed description of how they expect such a requirement to work, Rule 11A-1[B] would permit OTC market makers to execute agency crosses if (i) the inside ITS market has a spread greater than ¼ and the cross is executed between those quotations, or (ii) the inside ITS market is a ¼ spread and the cross is executed at either the bid or the offer.

With respect to the order export alternative, although such a specific alternative was not proposed by the SIA committee, the Commission believes that such an alternative may enhance efficient compliance with the Rule for brokerage firms with a large retail business. Therefore, the Commission has included an order export alternative in proposed Rule 11A-1[B]. The Commission also has included in Rule 11A-1[B] the exemptions proposed in the NYSE rule and the authority for the Commission to grant exemptions from the rule.

3. Discussion. There appear to be two general issues posed by the consideration of any specific rule to address concerns regarding the lack of order exposure. First, should the rule apply only to one market as the NYSE rule does, or should the rule apply to all markets in Rule 19c-3 securities as the all market exposure rule does?⁴⁴ Second, regardless of which markets are subject to the rule, what specific restrictions should be imposed on broker-dealers before they can deal as principal with customer orders?

With respect to the markets to be covered by the rule, in proposing an anti-internalization rule addressing only the OTC market in Rule 19c-3 securities, the NYSE argues that the problems presented by OTC internalization have no true counterparts in other types of markets, and that it is not helpful to equate the OTC market for Rule 19c-3 securities with exchange markets. Generally, the NYSE argues that, while exchange specialists can deal as principal, they must follow exchange auction rules and, among other things, expose customer orders on the floor of

customer order at the stop price (20), even if the customer order had not been exposed for 60 seconds.

⁴⁴ In addition, the rule theoretically could apply to a designated subset of markets, such as the primary exchanges and the OTC market, but not the regional exchanges.

their respective exchanges before executing the order as principal. On the other hand, the NYSE argues that the OTC market consists of integrated broker-dealers who both make markets as principal and deal with their customer order flow on a fiduciary basis without an independent agent determining in which market the order should be executed, and without exchange-type auction trading protection.⁴⁵ This, the NYSE argues, requires special anti-internalization procedures to be imposed on the OTC market for Rule 19c-3 securities. The NYSE, however, does acknowledge that there are limitations on order exposure in other markets (although, according to the NYSE, long-standing and distinguishable) with respect to which corrective action may ultimately be desirable. Nevertheless, the NYSE does not believe that such limitations need be addressed concurrently with resolving concerns regarding OTC internalization in Rule 19c-3 securities.

The SIA committee, in contrast to the NYSE, reached the conclusion that any Commission rule should apply to all markets with respect to Rule 19c-3 securities, and not just the OTC market. Although not stated explicitly by the committee, it appears that the committee members concluded that, to the extent enhanced order exposure is a principal goal in this context, any rule should include exchange markets as well as the OTC market. While each exchange member does make an independent decision as to which market to send its customer orders, the Commission understands that the firm's decision is generally made by designating one market to which it sends all of its retail order flow. Because most brokerage firms do not route on an order by order basis to the best displayed quotation, once that firm has designated a market for receipt of its retail order flow in a particular security, in effect, the

specialist in that market is in a competitive position comparable to an upstairs firm because no other market participant can successfully attract those orders from him.⁴⁶ These competitive similarities are greatest with respect to orders which are routed through the various exchange small order processing systems directly to the specialist, without an independent floor broker handling the order. The Commission also notes that expanding an order exposure rule to all markets would provide customer orders in all markets the opportunity to achieve a better execution through exposure to other market interest. In addition, such an all market rule might allow for increased pricing efficiency, and the exposure of all orders to trading interest in all markets potentially could lessen concerns about fragmentation of the markets.

The Commission specifically requests comment on these positions and arguments concerning which markets should be subject to an order exposure rule. In this regard, the Commission requests commentators to focus on the structural differences between the OTC and exchange markets and to assess how those differences affect implementation of the order exposure principle.

Finally in this regard, the Commission recognizes that those regional exchanges which have small order execution systems which price derivatively off the best ITS quotations (or certain exchange quotations) may have considerable difficulty adapting such systems to comply with either rule under consideration. Therefore, the Commission requests comment on the effects of a "hold out" requirement on regional exchanges and whether, if a rule were to be adopted for all markets, the regional exchanges should be given a certain amount of time to adapt their systems to comply with the rule, or whether any other type of relief may be appropriate.

The second general issue with respect to an order exposure rule to be addressed, is, regardless of which markets are covered by such a rule, what requirements should the rule impose on broker-dealers before they execute a customer's order as principal? In this regard, while the NYSE rule and the rule based on the SIA Committee

principles have much in common, there are significant differences.

The Commission notes that while both rules contain a hold out alternative, the NYSE believes that, with respect to that alternative, it is necessary for OTC market makers not only to attempt to achieve an execution for the customer $\frac{1}{2}$ better than the current quotation, but to expose his own intention to deal as principal at the stop price. The NYSE apparently believes that this is important to ensure that OTC market makers are publicly disseminating quotations representing the best price at which they are willing to trade. While this requirement does eliminate the possibility that OTC market makers could execute their customer orders in a "hidden market" without providing other market participants any access to that market, it also might increase market making risks by exposing OTC market makers to the risk of double executions each time they export a customer order.⁴⁷

Rule 11A-1(B), on the other hand, requires exposure only of the customer order. While this requirement is easier to meet administratively, and eliminates the possibility of a double execution, it would not require dealers to expose directly their actual principal interest.

The Commission requests comment on which version of the hold out requirement is most appropriate. In particular, the Commission requests comment on whether the possible increased market access and competition that may result from the NYSE proposal outweigh the possible burden on market making efficiency and risk that may result from holding out principal, as well as customer, interest.

A second difference between the two hold out requirements concerns the procedures to follow when the dealer already is disseminating a bid (or, in the case of a customer buy order, an offer) as principal, at $\frac{1}{2}$ better than the customer order, in a size at least as large as the customer order. While Rule 11A-1(A) would require that the customer order be "exposed" by increasing the size of the bid (offer) by the size of the customer order, Rule 11A-1(B) would exempt the dealer from

⁴⁵ The NYSE recognizes that the traditional OTC market for unlisted securities is, to an extent, a "sponsored" market, based somewhat on internalization. While the NYSE does not believe that this is a desirable model for exchange-listed stocks, the NYSE believes such a market is suitable (and perhaps necessary) with respect to the vast majority of stocks traded OTC, and does not believe an anti-internalization rule should be imposed with respect to unlisted stocks. The Commission also recognizes that order exposure techniques for Rule 19c-3 securities may not be readily transferable to the OTC market for unlisted securities and that such techniques could seriously disrupt the existing competitive dealer structure for trading the vast majority of OTC stocks. While the Commission encourages the OTC community to enhance the order routing and execution capabilities in its market, the Commission has no intention of mandating any internalization rule for the OTC market in unlisted stocks, because of the different competitive structure of that market.

⁴⁶ Of course, ITS enables competing market makers to attract some orders by the display of superior quotations. However, the specialist holding the order may avoid any obligation to send that order away by matching the best bid or offer (as the case may be) in ITS.

⁴⁷ For example, if a broker-dealer wished to execute a sell order at 50, he first would have to offer that order at 50½ and change his own bid to 50 for a minimum of 60 seconds. If, during that 60 seconds, his bid is hit and the customer's offer is not, the broker-dealer would be required to honor his stop, thus purchasing twice as much stock as he wished. If this example occurred while the market was moving downward, the broker-dealer might be exposed to a substantial risk of trading losses.

any further requirements.⁴⁸ In this regard, the Commission requests that commentators balance the benefits of all markets participants being informed of all customer interest⁴⁹ against the administrative burdens of increasing quotation size for 60 seconds.⁵⁰

A final difference between the two order export requirements involves agency crosses. The NYSE rule would prohibit OTC agency crosses unless firms route such transactions through CAES. Rule 11A-1(B), on the other hand, would exempt agency crosses from any requirement as long as the orders are executed between the quotations, or, if the spread is $\frac{1}{2}$ point, at either quotation. In proposing this exemption for agency crosses, the Commission notes that if the execution is between the quotations both customers are receiving a superior price than they might otherwise receive. Moreover, it may be somewhat anomalous to impose greater restrictions on upstairs execution of agency cross transactions because (i) those transactions may not raise the same conflict of interest concerns present with respect to principal transactions, and (ii) there would appear to be limited occasions in which a customer buy and sell order would arrive together at one firm. Agency cross transactions therefore would appear to have a more limited effect on competition between marketplaces than market maker principal transactions. Finally, the Commission notes that CAES currently does not have the ability to accept agency crosses as such, but requires each side of the cross to be entered separately. Accordingly, the Commission requests comment on these differing approaches to agency cross transactions, and, in addition, invites commentators to suggest alternative means to address this issue.⁵¹

The Commission also requests comment on those aspects of the two rules that contain the same requirements. For example, the Commission notes that both rules would

prohibit OTC market making in Rule 19c-3 securities included in the automated interface otherwise than by ITS/CAES market makers. The Commission requests comments on whether this limitation is appropriate or whether all broker dealers should continue to be allowed to trade such securities OTC, with only those broker-dealers with access to the automated interface subject to the rule.

Both rules also provide exceptions for block transactions. The Commission preliminarily believes that this is appropriate and that concerns regarding block transactions can best be addressed through the current block application of the ITS trade-through rules and through the development of mechanisms to protect away-from-the-market orders from block executions at inferior prices. The Commission specifically requests comment on the appropriateness of the block exception.⁵²

The Commission also requests comment on the desirability of providing an order export alternative. If it is believed that such an alternative is appropriate, the Commission requests comment on the advisability and practicability of including the "knowledge limitation" as part of that alternative. In this regard, the Commission interprets the knowledge limitation not to require the physical separation of a firm's proprietary and agency trading activity, but that a firm would meet this limitation if it had in place procedures which ensured that coordinated agency and principal orders would not be entered into CAES. The Commission requests comment, however, on whether actual physical separation is necessary in order to ensure that OTC market makers do not enjoy inappropriate competitive advantages with respect to their customers' orders.

The Commission also requests comment on the other common aspects of the two rules. Those areas include: (i) The effect and necessity of stopping the customer order at the intended execution price, although the market may move adversely to the broker-dealer during the time of the stop, and, in particular, whether such a requirement poses an inappropriate burden on competition if only imposed on OTC market makers; (ii) whether 60 seconds is an appropriate length of time

(or too long or too short) to impose the stop and disseminate the quotations; (iii) the clerical difficulty of changing only one side of a quotation or quotation size on the current NASDAQ terminals;⁵³ and (iv) what effect the "stop" requirement would have on existing exchange rules in the area.⁵⁴

Finally, the Commission requests comment on whether it would be appropriate to provide an exception from any rule for small orders of 200 shares or less (or any other size commentators may believe would be appropriate). In this regard, the Commission notes that in January 1982, orders for 200 shares or less accounted for 43.7% of the transactions executed on the NYSE, but only 5.1% of the share volume executed on that exchange. Therefore, the Commission requests commentators to balance the potential increased efficiency in handling small orders that may result from such an exception against the possible adverse effects on best execution, pricing efficiency and market making competition of removing such orders from the public market place.⁵⁵

IV. Conclusion

The Commission is requesting comment both on the need for a rule addressing internalization at the present time and, if a rule is believed necessary, on specific proposals based on industry submissions. The Commission has reached no conclusions regarding the need for such a rule or on the relative merits or shortcomings of the specific proposals. The Commission's action today should be viewed as an effort to stimulate the industry to continue their deliberations on this issue and to seek some accommodation, if not complete consensus, on an appropriate resolution of the matter for purposes of the rule 19c-3 experiment. The Commission and

⁴⁸ As discussed above, however, the customer's order would, in effect, be substituted for the dealer's quotation and the customer would receive the benefit of any execution at that price.

⁴⁹ The Commission notes, however, that in both rules, if the broker-dealer's bid or offer already is an agency order, the broker-dealer does not have to expose any other agency order of the same or lesser size.

⁵⁰ For a further discussion of this administrative difficulty in the OTC market, see note 53, *infra*.

⁵¹ Other approaches to dealing with agency crosses include variations of the hold out approach. For example, a broker-dealer could be required to hold out both the buy and sell order (presumably not simultaneously to avoid a locked or crossed market. Alternatively, the broker-dealer could be required to hold out only one side of the order.

⁵² The Commission understands that the SIA committee intends to continue its deliberations with respect to the need for imposing order exposure concepts on block transactions. The Commission encourages this further consideration and invites all other prospective commentators to address this issue.

⁵³ Current NASDAQ terminals allow for the relatively easy changing of both of a market maker's quotations in the same direction for the same number of shares. It is significantly more cumbersome, however, to make other types of quotation changes. The Commission also notes, however, that because proposed Rule 11A-1(B) does not require exposure of principal interest, or the adjusting of quotation size if there is an outstanding principal quotation at the appropriate price, and size, that rule often would require fewer adjustments of quotations.

⁵⁴ See, e.g., NYSE Rule 11A.

⁵⁵ The Commission also requests comment on whether there should be a *de minimis* exception for exchanges or market makers with a minimal level of activity in the subject Rule 19c-3 securities. Cf. Securities Exchange Act Release No. 18482 (February 11, 1982), 47 FR 7399 (providing an exception from Rule 11A-1 for market centers with less than one percent of the quarterly aggregate trading volume in a Rule 19c-3 security).

its staff are fully committed in their support of the industry in this endeavor.

V. Summary of the Initial Regulatory Flexibility Analysis

The Commission has prepared an Initial Regulatory Flexibility Analysis (the "Analysis") in accordance with 5 U.S.C. 603 regarding proposed alternative Rules 11A-1(A) and 11A-1(B).

The Analysis notes that although the securities industry has made progress in developing an approach to addressing concerns related to the internalization of customer orders, the difficulty of the industry groups to reach a final consensus approach on all aspects of internalization necessitates that the Commission take an active role in this area. In this connection, the objective of this rulemaking is to present three specific approaches by which the Commission can address internalization concerns at this time, including two alternative order exposure rules, and an alternative which takes no regulatory action in the absence of demonstrable harm caused by internalization.

The Analysis notes that both of the proposed rules could potentially apply to all broker-dealers who make markets in 19c-3 securities which are eligible to be traded through the ITS/CAES interface.⁵⁶ The Analysis also notes that although both rules would impose certain administrative compliance costs on broker-dealers, and could increase their market making risks, each rule offers a broker-dealer the option of competing for its own order flow by exporting its customer orders to CAES. In this connection, the analysis notes that because of the relatively small numbers of customers orders handled by a small broker-dealer, the administrative burdens of this rule on those broker-dealers would appear small. Moreover, the analysis notes that both rules also provide all market makers new competitive opportunities by permitting them to access the customer orders exposed by other markets. The Commission is soliciting comment on the precise impact of each proposed alternative, and will utilize this information in seeking to adopt the approach which minimizes the burdens on broker-dealers while still effectively addressing valid internalization concerns.

A copy of the Analysis may be obtained by contacting William W.

Uchimoto, (202) 272-2906, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549 (after July 15, 1982, 450 5th Street, NW., Washington, D.C.).

List of Subjects in 17 CFR Part 240 Reporting requirements, Securities.

VI. Text of Proposed Rules

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

The Securities and Exchange Commission hereby proposes to amend Part 240 of Title 17, Chapter of the Code of Federal Regulations, pursuant to its authority under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*, as amended by Pub. L. No. 94-29 (June 4, 1975)), particularly Sections 2, 3, 6, 9, 10, 11, 11A, 15, 15A, 17 and 23 thereof (15 U.S.C. 78b, 78c, 78f, 78i, 78j, 78k, 78K-1, 78o, 78o-3, 78q and 78w), by adding §§ 240.11A-1[A] and 240.11A-1[B] to read as follows:

§ 240.11A-1[A] Public exposure of customer orders.

(a) *Principal Transactions.* No broker-dealer shall buy (sell) a subject 19c-3 security from (to) a customer for a proprietary account of the member otherwise than on a national securities exchange unless:

(1) The broker-dealer (i) is registered and acting as an ITS/CAES market maker in the subject 19c-3 security; (ii) has access to, and the published bids and offers of such broker-dealer in the subject 19c-3 security can be reached through, the ITS/CAES Interface; and (iii) complies with paragraph (a)(2) of this section or, as an alternative, paragraph (a)(3) of this section is complied with.

(2) The broker-dealer completes the steps set forth in clauses (i)-(iv) of this paragraph:

(i) The broker-dealer must "stop" (*i.e.*, guarantee the execution of) the total number of shares he intends to buy (sell) at his intended purchase price from (sale price to) the customer (hereinafter referred to as the "stop price");

(ii) Subject to the provisions of paragraph (a)(2)(v) of this section, the broker-dealer must publish for at least 60 seconds an offer (bid) on behalf of the customer, in a size equal to the number of shares he intends to buy from (sell to) the customer, at an offer price which is $\frac{1}{8}$ higher (bid price $\frac{1}{8}$ lower) than the stop price;

(iii) Subject to the provisions of paragraph (a)(2)(v) of this section, the broker-dealer must publish for at least

60 seconds a bid (offer) for his own account, in a size equal to the number of shares he intends to buy from (sell to) the customer, at the stop price;

(iv) After completing the steps required by paragraphs (a)(2) (i), (ii) and (iii) of this section, the broker-dealer may (and under his "stop" must) immediately execute the customer's order (or whatever portion thereof remains unexecuted after publication of an offer (bid) on behalf of the customer in accordance with paragraph (a)(2)(ii) of this section) at the stop price, as principal.

(v) The following shall be applicable to clauses (ii), (iii) and (iv) of this paragraph:

(A) The requirements of paragraph (a)(2)(ii) of this section shall be deemed to be satisfied so long as the offer (bid) otherwise being published by the broker-dealer and maintained for at least 60 seconds, exclusive of any portion thereof which is for a proprietary account of the broker-dealer, meets the price requirement and meets or exceeds the size requirement of paragraph (a)(2)(ii) of this section;

(B) The requirements of paragraph (a)(2)(iii) of this section shall be deemed to be satisfied so long as the bid (offer) otherwise being published by the broker-dealer and maintained for at least 60 seconds includes a bid (offer) for the broker-dealer's own account which meets the price requirement and meets or exceeds the size requirement of paragraph (a)(2)(iii) of this section;

(C) The offer and bid (bid and offer) required to be published and maintained under paragraphs (a)(2) (ii) and (iii) of this section may each be reduced in size to the extent of any partial acceptance by one or more third parties of the customer's offer (bid) required to be published under paragraph (a)(2)(ii) of this section occurring within the 60-second period contemplated by paragraphs (a)(2) (ii) and (iii) of this section; and, apart from any reduction for that reason, the broker-dealer's bid (offer) required to be published and maintained under paragraph (a)(2)(iii) of this section may be reduced in size to the extent of any partial acceptance thereof by one or more third parties occurring within the 60-second period contemplated by paragraph (a)(2)(iii) of this section;

(D) If a bid (offer) for a proprietary account of a broker-dealer required to be published and maintained for 60 seconds under paragraph (a)(2)(iii) of this section has been accepted in whole by one or more third parties, and if the broker-dealer thereafter publishes an offer (bid) which is lower (higher) than

⁵⁶ Proposed Rule 11A-1[B] also would apply to all national stock exchanges trading Rule 19c-3 security. The Commission notes, however, that no national stock exchange trading Rule 19c-3 security is defined as a small entity. See Rule 0-10(e) under the Act.

the offer (bid) on behalf of a customer required to be published and maintained for 60 seconds under paragraph (a)(2)(ii) of this section, he shall be deemed to have completed the steps required by paragraphs (a)(2) (ii) and (iii) of this section.

or

(3) The customer's order is entered in ITS/CAES without being directed specifically to the broker-dealer for execution and is executed in ITS/CAES under circumstances that preclude (i) all persons responsible for making bids or offers or effecting transactions for the broker-dealer's proprietary account in that security from having any knowledge of the existence of that customer's order prior to its entry in ITS/CAES, and (ii) all persons responsible for the solicitation of customers' orders or for the manner and timing of entry of such orders in that security in ITS/CAES from having any knowledge of positions or trading strategies then existing for the broker-dealer's proprietary account in that security.

(b) *Agency cross transactions.* No broker-dealer shall effect an agency cross transaction involving subject 19c-3 securities unless such transaction is executed on or through the facilities of a national securities exchange or in ITS/CAES.

(c) *Exclusions.* The provisions of this rule shall not apply to:

(1) Any principal transaction or agency cross transaction involving a block;

(2) Any transaction which is part of a primary distribution by an issuer, or a registered or unregistered secondary distribution;

(3) Any transaction made in reliance on Section 4(2) of the Securities Act of 1933;

(4) Any trade at a price unrelated to the current market for the security involved for the purpose of correcting an error or the enable the seller to make a gift;

(5) Any transaction pursuant to a tender offer;

(6) Any purchase or sale effected upon the exercise of an option pursuant to the terms thereof or the exercise of any other right to acquire a security at a pre-established consideration unrelated to the current market for such security;

(7) Any transaction for less than 100 shares; or

(8) Any transaction effected outside of the normal operating hours of the ITS/CASE interface.

(d) *Exemptions.* The Commission may exempt from the provisions of this

section, either unconditionally or on specified terms and conditions, any broker, dealer, transaction or class of transactions if the Commission determines that such exemption is consistent with the public interest, the protection of investors and the removal of impediments to, and perfection of the mechanisms of, a national market system.

(e) *Definitions.* For purposes of this rule:

(1) The term "19c-3 security" means any security listed on a national security exchange for which transaction reports are collected, processed and made available pursuant to an effective transaction reporting plan, other than a "covered security" as defined in § 240.19c-3 (Rule 19c-3 under the Act).

(2) The term "effective transaction reporting plan" shall mean any plan approved by the Commission pursuant to § 240.11Aa3-1 (Rule 11As3-1 under the Act) for collecting, processing, and making available transaction reports with respect to transactions in an equity security or class of equity securities;

(3) The term "transaction report" shall mean a report containing the price and volume associated with a completed transaction involving the purchase or sale of a security.

(4) The term "subject 19c-3 security" shall mean any 19c-3 security which is eligible to be traded through the ITS/CAES Interface.

(5) The term "Intermarket Trading System" ("ITS") shall mean the intermarket communications linkage operated jointly by certain self-regulatory organizations pursuant to a plan filed with, and approved by, the Commission pursuant to § 240.11Aa3-2 (Rule 11As3-2 under the Act).

(6) The term "Computer Assisted Execution System" ("CAES") shall mean the computerized order routing and execution system owned and operated by the National Association of Securities Dealers Inc. ("NASD") as part of the NASDAQ inter-dealer quotation system.

(7) The term "ITS/CAES Interface" shall mean the automated interface between the ITS and CAES.

(8) The term "ITS/CAES" means the linked trading systems connected by the ITS/CAES Interface.

(9) The term "ITS market" shall mean, with respect to any subject 19c-3 security, any national securities exchange which is a participant in the ITS Plan and trades such security through ITS and any ITS/CAES market maker in such security.

(10) The term "ITS/CAES market maker" shall mean, with respect to any subject 19c-3 security, any third market

maker that is registered as a market maker in such security with the NASD for purposes of use of ITS/CAES.

(11) The term "third market maker" shall mean, with respect to any subject Rule 19c-3 security, any broker-dealer who holds himself out as being willing to buy and sell such security for his own account on a regular and continuous basis otherwise than on a national securities exchange in amounts of less than block size (including any such person who also represents as agent, orders to buy and sell such security on behalf of any other person and communicates bids and offers to a national securities association pursuant to § 240.11Ac1-1 (Rule 11Ac1-1 under the Act) on behalf of such other persons as well as for his own account).

(12) The term "broker-dealer" shall mean any brokers or dealers.

(13) The term "customer" of a broker-dealer shall mean (i) any person other than a broker or dealer, except that the term "customer" shall include a broker or dealer (A) which, directly or indirectly, controls, is controlled by or is under common control with the broker-dealer, or (B) whose customers' accounts are introduced to the broker-dealer and are carried by it on either a disclosed or undisclosed basis; and (ii) any person from whom an order has been accepted by the broker-dealer for execution as agent, but only with respect to orders so accepted.

(14) The term "proprietary account" shall mean any one or more accounts in which the broker-dealer has a direct or indirect interest.

(15) A bid or offer shall be "published" when it is made available by a national securities association to a quotation vendor pursuant to § 240.11Ac1-1 (Rule 11Ac1-1 under the Act) and is displayed in CAES.

(16) The term "intended purchase price from (sale price to) the customer" in a principal transaction shall exclude any commission, commission equivalent, differential or comparable charge to be imposed by the broker-dealer in connection with the transaction.

(17) The term "block" shall mean a transaction of 10,000 shares or more or involving a quantity of stock having a market value of \$200,000 or more.

(18) For purposes of this rule, a riskless principal transaction shall be considered to involve a purchase from or sale to a customer.

§ 240.11A-1[B] Public exposure of customer orders.

(a) *Principal Transactions.* No broker-dealer shall buy (sell) a subject Rule

19c-3 security from (to) a customer for a proprietary account of the broker-dealer unless:

(1) The broker-dealer (i) is registered and acting as an exchange market maker or ITS/CAES market maker in the subject Rule 19c-3 security; (ii) has access to, and the published bids and offers of such broker-dealer in the subject Rule 19c-3 security can be reached through, the ITS/CAES Interface; and (iii) complies with paragraph (a)(2) of this section, or as an alternative, paragraph (a)(3) of this section is complied with.

(2) The broker-dealer completes the steps set forth in clauses (i)-(iii) of this paragraph:

(i) The broker-dealer must "stop" (*i.e.*, guarantee the execution of) the total number of shares he intends to buy (sell) at his intended purchase price from (sale price to) the customer (hereinafter referred to as the "stop price");

(ii) Subject to the provisions of paragraph (a)(2)(iv) of this section, the broker-dealer must publish for at least 60 seconds an offer (bid) on behalf of the customer, in a size equal to the total number of shares he intends to buy from (sell to) the customer, at an offer price which is $\frac{1}{4}$ higher (bid price $\frac{1}{4}$ lower) than the stop price;

(iii) After completing the steps required by paragraphs (a)(2)(i) and (ii) of this section, the broker-dealer may (and under his "stop" must) immediately execute the customer's order (or whatever portion thereof remains unexecuted after publication of an offer (bid) on behalf of the customer in accordance with paragraph (a)(2)(ii) of this section at the stop price, as principal;

(iv) (A) The requirements of paragraph (a)(2)(ii) of this section shall be deemed to be satisfied so long as the offer (bid) otherwise being published by the broker-dealer and maintained for at least 60 seconds from the time the order is received for execution meets the price requirement and meets or exceeds the size requirement of paragraph (a)(2)(ii) of this section; *Provided, however*, that in the event a portion of such offer (bid) is for a proprietary account of the broker-dealer, the customer's order shall be deemed to be substituted for the broker-dealer's offer (bid) up to the lesser of the size of the order or the broker-dealer's proprietary interest and any executions during such 60-second period at the offer price (bid price) which, in the aggregate, are less than or equal to the size of the customer's order shall be for the account of the customer.

(B) Any offer (bid) required to be published and maintained under paragraph (a)(2)(ii) of this section may

be reduced in size to the extent of any partial acceptance by one or more third parties of the offer (bid) occurring during the 60-second period contemplated by that clause.

(C) If the broker-dealer, during the 60-second period contemplated by paragraph (a)(2)(ii) of this section, lowers (raises) his offer (bid) to the stop price, that broker-dealer shall, pursuant to his "stop," immediately execute the customer's order (or whatever portion thereof remains unexecuted) at the stop price, as principal.

or

(3) The customer's order is entered in ITS/CAES on a neutral basis (*i.e.*, otherwise than by directing the order to the broker-dealer for execution) and is executed in ITS/CAES under circumstances that preclude (i) all persons responsible for making bids and offers or effecting transactions for the broker-dealer's proprietary account in that security from having any knowledge of the existence of that customer's order prior to its entry in ITS/CAES, and (ii) all persons responsible for the solicitation of customers' orders or for the manner and timing of entry of such orders in that security in ITS/CAES from having knowledge of positions or trading strategies then existing for the broker-dealer's proprietary account in that security.

(b) *Agency cross transactions.* No broker-dealer shall effect an agency cross transaction involving a subject Rule 19c-3 security unless such transaction is executed on or through the facilities of a national securities exchange or in ITS/CAES; *Provided, however*, That a broker-dealer may effect an agency cross transaction otherwise than on or through the facilities of a national securities exchange or in ITS/CAES (i) at a price higher than the best bid and lower than the best offer for the subject 19c-3 security then being disseminated by any ITS market(s) (if the spread between such best bid and best offer is $\frac{1}{4}$ or more); or (ii) at a price equal to the best bid or best offer for the subject 19c-3 security then being disseminated by any ITS market(s) (if the spread between such best bid and best offer is $\frac{1}{2}$).

(c) *Exclusions.* The provisions of this section shall not apply to:

(1) Any broker-dealer, other than an exchange market maker, with respect to transactions on or through the facilities of a national securities exchange;

(2) A principal transaction or agency cross transaction involving a block of a subject Rule 19c-3 security;

(3) Any transaction which is part of a primary distribution by an issuer, or a registered or unregistered secondary distribution;

(4) Any transaction made in reliance on Section 4(2) of the Securities Act of 1933;

(5) Any trade at a price unrelated to the current market for the subject Rule 19c-3 security involved for the purpose of correcting an error or to enable the seller to make a gift;

(6) Any transaction pursuant to tender offer;

(7) Any purchase or sale of a subject Rule 19c-3 security effected upon the exercise of an option pursuant to the terms thereof or the exercise of any other right to acquire a subject Rule 19c-3 security at a pre-established consideration unrelated to the current market for such security;

(8) Any transaction in any subject security for less than 100 shares;

(9) Any transaction effected outside of normal operating hours of the ITS/CAES interface; and

(10) Any principal transaction effected on or through the facilities of a national securities exchange during any period when such exchange is relieved of its obligation to collect, process and make available to quotation vendors bids and offers in such security pursuant to paragraph (b)(3)(i) of § 240.11Ac1-1 (Rule 11c1-1 under the Act).

(d) *Exemptions.* The Commission may exempt from the provisions of this section, either unconditionally or on specified terms and conditions, any broker, dealer, transaction or class of transactions if the Commission determines that such exemption is consistent with the public interest, the protection of investors and the removal of impediments to, and perfection of the mechanisms of, a national market system.

(e) *Definitions.* For purposes of this section, (1) The term "Rule 19c-3 security" shall mean any security listed on a national securities exchange for which transaction reports are collected, processed and made available pursuant to an effective transaction reporting plan, other than a "covered security" as defined in § 240.19c-3 (Rule 19c-3 under the Act).

(2) The term "effective transaction reporting plan" shall mean any plan approved by the Commission pursuant to § 240.11Aa3-1 (Rule 11Aa3-1 under the Act) for collecting, processing and making available transaction reports with respect to transactions in an equity security of class, of equity securities.

(3) The term "transaction report" shall mean a report containing the price

volume associated with a completed transaction involving the purchase or sale of a security.

(4) The term "subject Rule 19c-3 security" shall mean any Rule 19c-3 security which is eligible to be traded through the ITS/CAES Interface.

(5) The term "Intermarket Trading System" ("ITS") shall mean the intermarket communications linkage operated jointly by certain self-regulatory organization pursuant to a plan filed with, and approved by, the Commission pursuant to § 240.11Aa3-2 (Rule 11Aa3-2 under the Act).

(6) The term "Computer Assisted Execution System" ("CAES") shall mean the computerized order routing and execution system owned and operated by the National Association of Securities Dealers ("NASD") as part of the NASDAQ inter-dealer quotation system.

(7) The term "ITS/CAES interface" shall mean the automated interface between the ITS and CAES.

(8) The term "ITS/CAES" shall mean the linked trading systems connected by the ITS/CAES Interface.

(9) The term "ITS market" shall mean, with respect to any subject Rule 19c-3 security, any national securities exchange which is a participant in the ITS and trades such security through ITS and any ITS/CAES market maker in such security.

(10) The term "exchange market maker" shall mean, with respect to any subject Rule 19c-3 security traded on a national securities exchange, any broker-dealer registered or approved as a specialist or market maker in that security pursuant to the rules of such exchange.

(11) The term "ITS/CAES market maker" shall mean, with respect to any subject Rule 19c-3 security, any third market maker that is registered as a market maker in such security with the NASD for purposes of use of ITS/CAES.

(12) The term "third market maker" shall mean, with respect to any subject Rule 19c-3 security, any broker-dealer who holds himself out as being willing to buy and sell such security for his own account on a regular and continuous basis otherwise than on a national securities exchange in amounts of less than block size (including any such person who also represents, as agent, orders to buy and sell such security on behalf of any other person and communicates bids and offers to a national securities association pursuant to § 240.11Ac1-1 (Rule 11Ac1-1 under the Act) on behalf of such other persons as well as for his own account).

(13) The term "broker-dealer" shall mean any broker or dealer.

(14) The term "customer" of a broker-dealer shall mean (i) any person other than a broker or dealer, except that the term "customer" shall include a broker or dealer (A) which, directly or indirectly, controls, is controlled by, or is under common control with such broker-dealer, or (B) whose customers' accounts are introduced to the broker-dealer and are carried by it on either a disclosed or undisclosed basis; and (ii) and person from whom an order has been accepted by the broker-dealer for execution, but only with respect to orders so accepted.

(15) The term "proprietary account" shall mean any one or more accounts in which the broker-dealer has a direct or indirect interest.

(16) A bid or offer shall be "published" when it is made available by a national securities exchange or national securities association to a quotation vendor pursuant to § 240.11Ac1-1 (Rule 11Ac1-1 under the Act) and is displayed on or through the facilities of such exchange or in CAES (as the case may be).

(17) The term "intended purchase price from (sale to) the customer" in a principal transaction shall exclude any commission, commission equivalent, differential or comparable charge to be imposed by the broker-dealer in connection with the transaction.

(18) The term "block" shall mean a transaction of 10,000 shares or more or involving a quantity of a subject Rule 19c-3 security having a market value of \$200,000 or more.

(19) For purposes of this rule, a riskless principal transaction shall be considered to involve a purchase from or sale to a customer.

By the Commission.

Dated: May 13, 1982.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-14024 Filed 5-21-82; 9:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-313-81]

Exempt Royalty Oil; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed

regulations relating to exempt royalty oil.

DATES: The public hearing will be held on July 13, 1982, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by June 29, 1982.

ADDRESS: The public hearing will be held in the L.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-313-81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service; 1111 Constitution Avenue, NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under sections 4994, 4995 and 4997 of the Internal Revenue Code of 1954. The proposed regulations appeared in the *Federal Register* for Wednesday, March 3, 1982 (47 FR 9018).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by June 29, 1982. Each speaker will be limited to 10 minutes for oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the *Federal Register* for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue:

David E. Dickinson,
Director, Legislation and Regulations Division.

[FR Doc. 82-14143 Filed 5-21-82; 8:45 am]

BILLING CODE 4830-01-M

[LR-201-76]

26 CFR Parts 20 and 301

Special Lien for Additional Estate Tax Attributable to Farm, Etc., Special Use Valuation

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: Sections of Tax Reform Act of 1976 provide that certain qualified real property may, for estate tax purposes, be valued at its special use value rather than its fair market value, and impose a special lien on the qualified real property in the amount of the estate tax savings. Later amendments extended the special lien to qualified replacement and qualified exchange property. The purpose of the proposed regulation is to implement the special lien provisions and to grant authority to district directors to allow adequate security to be substituted for the special lien. The proposed regulation affect qualified heirs of decedents whose estates elect to come within the special use valuation provisions.

DATES: Written comments and requests for a public hearing must be delivered or mailed by July 19, 1982. The regulations are effective for the estates of decedents dying after December 31, 1976.

ADDRESS: Send comments and request for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-201-76) Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Fred E. Grundeman of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. Attention CC:LR:T 202-566-3287, not a toll-free number.

SUPPLEMENTARY INFORMATION:

Background

Section 2032A of the Code provides that certain qualified real property may, for estate tax purposes, be valued at its special use value rather than its fair market value. Section 6324B of the Code, enacted by section 2003(b) of the Tax Reform Act of 1976 (Pub. L. 94-455, 90 Stat. 1861), imposes a special lien on the qualified real property in the amount of

the estate tax savings. Section 6324B was amended by section 108(d) of the Technical Corrections Act of 1979 (Pub. L. 96-222, 94 Stat. 228), which extended the special lien to qualified replacement property, and by section 421(d)(2)(B) of the Economic Recovery Tax Act of 1981 (Pub. L. 97-34, 95 Stat. 309), which extended the special lien to cover qualified exchange property. The proposed regulations are issued under the authority contained in sections 6324B (90 Stat. 1861, 26 U.S.C. 6324B) and 7805 (68A Stat. 917, 26 U.S.C. 7805) of the Code.

The purpose of this proposed regulation is to implement the special lien provisions and to grant authority to district directors to allow adequate security to be substituted for the special lien.

Regulatory Flexibility Act

Although this document is a notice of proposed rulemaking that solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably 6 copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying.

A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the Federal Register.

Drafting Information

The principal author of these proposed regulations is Fred E. Grundeman of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and the Treasury Department participated in developing the regulations, both on matters of substance and style.

List of Subjects

26 CFR Part 20

Estate taxes, liens.

26 CFR Part 301

Estate taxes, liens.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Parts 20 and 30 are as follows:

PART 20—ESTATE TAX; ESTATE OF DECEDENTS DYING AFTER AUGUST 16, 1954

Paragraph 1. There is inserted immediately after § 20.6324A-1 the following new section:

§ 20.6324B-1 Special lien for additional estate tax attributable to farm, etc., valuation.

(a) *General rule.* In the case of an estate of a decedent dying after December 31, 1976, which includes any interest in qualified real property, if the executor elects to value part or all of such property pursuant to section 2032A, a lien arises in favor of the United States on the property to which the election applies. The lien is in the amount equal to the adjusted tax difference attributable to such interest (as defined by section 2032A(c)(2)(B)). The term "qualified real property" means qualified real property as defined in section 2032A(b), qualified replacement property within the meaning of section 2032A(h)(3)(B), and qualified exchange property within the meaning of section 2032A(i)(3). The rules set forth in the regulations under section 2032A shall apply in determining whether this section is applicable to otherwise qualified real property held by a partnership, corporation or trust.

(b) *Period of lien.* The lien shall arise at the time the executor files an election under section 2032A. It shall remain in effect until one of the following occurs:

(1) The liability for the additional estate tax under section 2032A(c) with respect to such interest has been satisfied; or

(2) Such liability has become unenforceable by reason of lapse of time; or

(3) The district director is satisfied that no further liability for additional estate tax with respect to such interest may arise under section 2032A(c), i.e., the required time period has elapsed since the decedent's death without the occurrence of an event described in section 2032A(c)(1), or the qualified heir (as defined in section 2032A(e)(1)) has died.

For procedures regarding the release or subordination of liens or discharge of property from liens, see § 301.6325-1 of

this chapter (Regulations on Procedure and Administration).

(c) *Substitution of security for lien.* The district director may, upon written application of the qualified heir (as defined in section 2032A(e)(1)) acquiring any interest in qualified real property to which a lien imposed by section 6324B attaches, issue a certificate of discharge of any or all property subject to such lien, after receiving a bond or other security in an amount or value determined by the district director as sufficient security for the maximum potential liability for additional estate tax with respect to such interest. Any bond shall be in the form and with the security prescribed in § 301.7101-1 of this chapter.

(d) *Special rules.* The rules set forth in section 6324A(d) (1), (3), and (4), and the regulations thereunder, shall apply with respect to a lien imposed by section 6324B as if it were a lien imposed by section 6324A.

PART 301—PROCEDURE AND ADMINISTRATION

Par. 2. Section 301.6325-1 is amended by inserting a new sentence immediately after the second sentence of paragraph (c)(1), by redesignating paragraph (d)(3) as (d)(4), and by inserting a new paragraph (d)(3). These amended and added provisions read as follows:

§ 301.6325-1 Release of lien or discharge of property.

(c) *Estate or gift tax liability fully satisfied or provided for—(1) Certificate of discharge.* * * * If a lien has arisen

under section 6324B (relating to special lien for additional estate tax attributable to farm, etc., valuation) and the district director determines that the liability for additional estate tax has been fully secured in accordance with § 20.6324B-1(c) of this chapter, the district director may issue a certificate of discharge of the real property from the section 6324B lien. * * *

(d) *Subordination of lien.* * * *

(3) *Subordination of section 6324B lien.* The district director may issue a certificate of subordination with respect to a lien imposed by section 6324B if the district director determines that the interests of the United States will be adequately secured after such subordination. For example, A, a qualified heir of qualified real property, needs to borrow money for farming purposes. If the current fair market value of the real property is \$150,000, the amount of the claim to which the special lien is to be subordinated is \$40,000, the potential liability for additional tax (as defined in section 2032A(c)) is less than \$55,000, and there are no other facts to indicate that the interest of the United States will not be adequately secured, the district director may issue a certificate of subordination. The result would be the same if the loan were for bona fide purposes other than farming.

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

[FR Doc. 82-14064 Filed 5-21-82; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 405 and 481

Medicare Program; Comprehensive Outpatient Rehabilitation Facility Services

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Correction of proposed regulations.

SUMMARY: This document corrects the "date" section regarding the comment period in a proposed regulation on Comprehensive Outpatient Rehabilitation Facilities that was published in the Federal Register on May 10, 1982.

FOR FURTHER INFORMATION CONTACT: Donna Federman, (301) 594-4272.

SUPPLEMENTARY INFORMATION: The May 10, 1982 issue of the Federal Register (47 FR 20092) stated erroneously that the date by which comments should be mailed for FR Doc. 82-12591 is July 9, 1982 (a 60-day comment period). The Federal Register should have read June 9, 1982 (a 30-day comment period).

(Catalog of Federal Domestic Assistance Program No. 13.774, Medicare-Supplementary Medical Insurance)

Dated: May 17, 1982.

Robert F. Sermier,
Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 82-14018 Filed 5-21-82; 8:45 am]

BILLING CODE 4120-03-M

Notices

Federal Register

Vol. 47, No. 100

Monday, May 24, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and

investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and

applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations; Week Ended May 14, 1982

Subpart Q Applications. The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
May 11, 1982	40680	United Air Lines, Inc., P.O. Box 66100, Chicago, Illinois 60666. Application of United Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests authorization to provide scheduled foreign air transportation of persons, property and mail between a point or points in the United States, on the one hand, and a point or points in Antigua and Barbuda, Aruba, The Bahamas, Barbados, Curacao, Dominican Republic, Grenada, Guadeloupe, Haiti, Jamaica, Martinique, St. Kitts, St. Maarten, and Trinidad and Tobago, on the other hand. Conforming Applications, motions to modify scope, and Answers may be filed by June 8, 1982.
Do	40683	Northwest Airlines, Inc., Minneapolis/St. Paul Int'l Airport St. Paul, Minnesota 55111. Application of Northwest Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests an amendment of its Certificates of Public Convenience and Necessity for Route 129 or for a new certificate or certificates so as to authorize it to perform scheduled foreign air transportation (of mail, passengers and property) between the following points: New York, San Francisco, Los Angeles, Honolulu, Tokyo, or another points in Japan, Shanghai, Beijing. (Or for whatever points within the People's Republic of China it is finally determined the second designated airline may serve.) Conforming Applications, motions to modify scope, and Answers may be filed by June 8, 1982.
May 13, 1982	40694	Lone Star Airways, Inc., c/o George T. Volsky, 1522 K Street, N.W., Suite 1030, Washington, D.C. 20005. Application of Lone Star Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests the Board to issue it a certificate of public convenience and necessity to engage in foreign air transportation of persons, property, and mail between the terminal point Dallas-Ft. Worth, Texas, and the terminal point London, England. Conforming Applications, motions to modify scope, and Answers may be filed by June 10, 1982.
Do	40696	Global International Airways Corp., c/o James M. Burger, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, N.W., Suite 900 South, Washington, D.C. 20036. Application of Global International Airways Corp., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests authority to provide scheduled foreign air transportation of persons, property, and mail as follows: Between Dallas/Fort Worth, Texas and London, United Kingdom. Conforming Applications, motions to modify scope, and Answers may be filed by June 10, 1982.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 82-14121 Filed 5-21-82; 8:45 am]

BILLING CODE 6320-01-M

Commuter Fitness Determination

The Board is proposing to find the following carriers fit willing and able to provide commuter air carrier service under Section 419(c)(2) of the Federal Aviation Act, as amended, and that aircraft used in this service conform to applicable safety standards.

Order	Applicant	Response date
82-5-40	Spirit Airways, Inc.	May 27, 1982
82-5-41	Banyan Air Service	May 27, 1982

Order	Applicant	Response date
82-5-46	Americana Charter, Inc., d/b/a Bangor International Airline	May 28, 1982

All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed in Attachment A of the respective orders and file response or additional data for Order 82-5-40, 82-5-41, and 82-5-46 with the Special Authorities Division,

Room 915; 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

The complete text of the orders is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request to the above address.

For further information contact: For Order 82-5-41: Ms. Patti Szrom, (202) 673-5088, and for Orders 82-5-40 and -46: Ms. Anne Stockvis, (202) 673-5198; Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C. 20428.

By the Civil Aeronautics Board: May 17, 1982.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 82-14122 Filed 5-21-82; 8:45 am]
BILLING CODE 6320-01-M

Order Concerning IATA Agreement Relating to North Passenger Fares

Order 82-5-37, May 7, 1982, Docket 38623, approved, subject to several conditions, an agreement submitted by the International Air Transport Association (IATA). The agreement concerns North Atlantic Passenger fares, Agreement C.A.B. 28720, R-1 through R-19.

Copies of the Board's order are available from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 82-14123 Filed 5-21-82; 8:45 am]
BILLING CODE 6320-01-M

Order Concerning Mail Rates

Order 82-5-73, May 14, 1982, Dockets 38019 and 38961, proposes the establishment of a new rate structure and new final intra-Alaska service mail rates effective January 1, 1981.

Copies of this order are available from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 82-14124 Filed 5-21-82; 8:45 am]
BILLING CODE 6320-01-M

Order Concerning Mail Rates

Order 82-5-70, May 14, 1982, Docket 40650 establishes temporary intra-Alaska service mail rates for Western Air Lines, Inc. at the same level as authorized for Wien Air Alaska, Inc. by Order 80-12-152.

Copies of this order are available from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 82-14125 Filed 5-21-82; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Chain of Iron or Steel From Japan; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of countervailing duty order.

SUMMARY: On March 18, 1982, the Department of Commerce published in the *Federal Register* a notice of the preliminary results of its administrative review of the countervailing duty order with respect to chain of iron or steel from Japan. The review covered the period January 1, 1980 through December 31, 1980. Interested parties were invited to comment on our preliminary results. We received no comments. Therefore, the final results of this review are the same as those announced in the March 18 notice.

EFFECTIVE DATE: May 24, 1982.

FOR FURTHER INFORMATION CONTACT: Joseph A. Black or Richard Moreland, Office of Compliance, International Trade Administration, Room 2096, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1774/2786).

SUPPLEMENTARY INFORMATION:

Background

On August 24, 1978 the Department of the Treasury published in the *Federal Register* (43 FR 37685) a countervailing duty order on chain of iron or steel from Japan. On March 18, 1982, the Department of Commerce ("the Department") published in the *Federal Register* (47 FR 11740) a notice of the preliminary results of its administrative review of the order. The Department has now completed that review.

Scope of the Review

The merchandise covered by the review is chain of iron or steel, the links of which are essentially round in cross section, and parts thereof. Such chains are currently classifiable under items 652.3010 through .3040, 652.33.0 through .3330, and 652.3510 through .3530 of the Tariff Schedules of the United States Annotated. The review covers the period January 1, 1980 through December 31, 1980, and is limited to the two programs cited in the final determination. These programs are: (1) Tax deferrals on funds held in the Overseas Market Development Reserve ("OMDR") and (2) export promotional assistance from the Japan External Trade Organization ("JETRO").

Final Results of the Review

Interested parties were invited to comment on our preliminary results. Since we received no comments, the final results of our review are the same as those presented in the preliminary results of the review. Accordingly, the Department will instruct the Customs Service to assess countervailing duties in the amount of 1.95 percent of the f.o.b. invoice price on merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1980 and exported on or before December 31, 1980.

As provided for by section 751(a)(1) of the Tariff Act of 1930 ("the Tariff Act"), a cash deposit of estimated countervailing duties of 1.95 percent of the f.o.b. invoice price shall be required on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

The Department intends to complete the next administrative review by the end of August 1982. The amount of countervailing duties to be imposed on exports made during 1981 will be determined during that review. Consequently, the suspension of liquidation previously ordered will continue on all shipments exported on or after January 1, 1981.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-14076 Filed 5-21-82; 8:45 am]
BILLING CODE 3510-25-M

Chains and Parts Thereof, of Iron or Steel, From Spain; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of countervailing duty order.

SUMMARY: On February 17, 1982, the Department of Commerce published in the *Federal Register* the preliminary results of its administrative review of the countervailing duty order on chains and parts thereof, of iron or steel, from Spain. The review covers the period

January 1, 1980 through December 31, 1980.

Interested parties were invited to comment on the preliminary results. We received no comments. Therefore, we have determined that countervailing duties equal to the calculated value of the net subsidy, that is, 12.95 percent of the f.o.b. invoice price of the merchandise, shall be assessed on all exports to the United States during 1980.

Further, due to a change in the Spanish banking regulations effective March 1, 1981 and affecting one of the two reviewed programs, we have determined that cash deposits of estimated countervailing duties of 14.89 percent of the f.o.b. invoice price of the merchandise shall be collected on future entries.

EFFECTIVE DATE: May 24, 1982.

FOR FURTHER INFORMATION CONTACT: Lorenza Olivas or Richard Moreland, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202, 377-1775/2786).

SUPPLEMENTARY INFORMATION:

Background

On February 17, 1982, the Department of Commerce ("the Department") published in the *Federal Register* (47 FR 6908) the preliminary results of its administrative review of the countervailing duty order on chains and parts thereof, of iron or steel, from Spain (T.D. 78-20, 43 FR 3258). The Department has now completed that review.

Scope of the Review

Imports covered by the review are chains and parts thereof, of iron or steel. Such imports are currently classifiable under items 652.2410 through 652.2450, 652.2710 through 652.2740, 652.3010 through 652.3040, 652.3310 through 652.3330, and 652.3510 through 652.3530 of the Tariff Schedules of the United States Annotated.

The review covered the period January 1, 1980 through December 31, 1980. The Department reviewed two programs: (1) The Desgravacion Fiscal a la Exportacion, which was the only program found countervailable in the final determination and (2) a working capital loans program, which was found countervailable in another investigation.

Final Results of the Review

Interested parties were invited to comment on our preliminary results. We received no comments. As a result, we determine that the net subsidies conferred on chains and parts thereof, of iron or steel, by the two programs during the period of review are 12.50 percent

and 0.45 percent *ad valorem*, respectively. Accordingly, the Department will instruct the U.S. Customs Service to assess countervailing duties of 12.95 percent of the f.o.b. invoice price on all unliquidated entries of this merchandise exported to the United States during 1980.

Due to a change in the Spanish banking regulations, effective March 1, 1981, we have determined for purposes of deposit of estimated countervailing duties that the net subsidy attributable to the operating capital loans program has increased from 0.45 percent to 2.39 percent.

Therefore, as provided for by section 751(a)(1) of the Tariff Act of 1930 ("the Tariff Act"), a cash deposit of 14.89 percent of the f.o.b. invoice price shall be required on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

The Department intends to conduct the next administrative review by the end of January 1983. The amount of countervailing duties to be imposed on exports made during 1981 will be determined in that review. Consequently, the suspension of liquidation previously ordered will continue for all shipments exported on or after January 1, 1981.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 355.41 of the Commerce Regulations (19 CFR 355.41).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-14075 Filed 5-21-82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Sea Grant Review Panel; Meeting

AGENCY: NATIONAL Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. Ap. (1976), as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, notice is hereby given of a closed meeting of the Sea Grant Review Panel established in 1976 by section 209 of the National Sea Grant Improvement Act (Pub. L. 94-461,

33 U.S.C. 1128.) This meeting is closed to discuss consideration of three applications for Sea Grant College designation. The three colleges are: University of Maryland, University of Michigan and the Mississippi/Alabama Sea Grant Consortium. This meeting will be closed since it is likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

DATE: June 9, 1982 8:30 a.m. to 4:00 p.m.

ADDRESS: The meeting will be held at the Commerce Building, Room 6802, 15th and Constitution Avenue, NW., Washington, D.C.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration for the Department of Commerce, with concurrence of the General Counsel, formally determined on May 18, 1982, pursuant to section 10(d) of Federal Advisory Committee Act, that the entire meeting may be exempt from the provisions of the Act relating to open meetings and public participation therein because the discussion will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(6). The discussions are likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. (A copy of the determination¹ is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6600, Department of Commerce.)

FOR FURTHER INFORMATION CONTACT: Arthur G. Alexiou, Executive Secretary, Sea Grant Review Panel, 6010 Executive Boulevard, Rockville, Maryland 20852, Telephone (301) 443-8894.

Robert D. Wildeman,
Acting Executive Secretary.

[FR Doc. 82-14074 Filed 5-21-82; 8:45 am]

BILLING CODE 3510-12-M

South Atlantic Fishery Management Council's Advisory Panel; Public Meeting

AGENCY: The South Atlantic Fishery Management Council, established by section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), has established an Advisory Panel which will meet for a discussion and recommendations on the Snapper-Grouper Fishery Management Plan.

DATES: The public meeting will convene on Wednesday, June 16, 1982, at approximately 1 p.m., and will adjourn

¹ Filed as part of the original document.

on Wednesday, June 17, 1982, at approximately noon, and will take place at the Admiral Benbow Inn, 1419 Virginia Avenue, College Park, Georgia.

FOR FURTHER INFORMATION CONTACT: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone: (803) 571-4366.

Dated: May 19, 1982.

Jack L. Falls,
Chief, Administrative Support Staff National Marine Fisheries Service.

[FR Doc. 82-14120 Filed 5-21-82; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

May 17, 1982.

The USAF Scientific Advisory Board Ad Hoc Committee on EF-111A Capability Upgrade will meet at the Pentagon, Washington, DC on June 10 and 11, 1982. The purpose of the meeting will be to become familiar with the EF-111A mission, capability, and effectiveness, and review the Air Force plan for its upgrade. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m. each day.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-8845.

Winnibel F. Holmes,

Air Force Federal Register, Liaison Officer.

[FR Doc. 82-14093 Filed 5-21-82; 8:45 am]

BILLING CODE 3910-01-M

Office of the Secretary

Defense Science Board Task Force on Electronic Warfare (Future Systems Subgroup); Advisory Committee Meeting

The Future Systems Subgroup of the Defense Science Board Task Force on Electronic Warfare will meet in closed session on June 24-25, 1982 in Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At the meeting on June 24-25, 1982, the Task Force will discuss the application of technology to future systems designed to improve US Electronic Warfare capabilities.

In accordance with 5 U.S.C. App. 1 10(d)(1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer,
Department of Defense.

May 18, 1982.

[FR Doc. 82-14077 Filed 5-21-82; 8:45 am]

BILLING CODE 3810-01-M

Foreign Assistance; Determination

Pursuant to section 515(c)(1) of the Foreign Assistance Act of 1961 relating to overseas management of assistance and sales programs, and in accordance with the authority delegated by Executive Order 12163 and redelegated on February 12 and February 24, 1972, to the Director, Defense Security Assistance Agency, James H. Ahmann, Lieutenant General, USAF, Director, Defense Security Assistance Agency, has determined that United States national interests require that more than six members of the Armed Forces be assigned under section 515 of that Act to carry out international security assistance programs in Venezuela, and therefore waives the limitation that the number of members of the Armed Forces assigned to a foreign country under section 515 of that Act may not exceed six unless specifically authorized by the Congress.

The Increase from six to nine in the total number of military personnel authorized for the United States Military Group (USMILGP), Venezuela, shall be effective 30 days after the date on which this determination is reported to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

Dated: May 7, 1982.

M. S. Healy,

OSD Federal Register Liaison Officer,
Department of Defense.

[FR Doc. 82-14078 Filed 5-21-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Termination of Production and Sale of Heavy Water

AGENCY: Energy Department.

ACTION: Termination of production and sale of heavy water.

SUMMARY: The U.S. Department of Energy hereby announces the termination of the production and sale of heavy water.

EFFECTIVE DATE: May 24, 1982.

FOR FURTHER INFORMATION CONTACT:

Roger K. Heusser (301) 353-5496.

SUPPLEMENTARY INFORMATION: The United States Department of Energy is terminating the production of new heavy water and, in order to conserve the existing inventory of heavy water, is terminating the sale of heavy water.

Issued in Washington, DC, May 5, 1982.

Herman E. Roser,

Assistant Secretary for Defense Programs.

[FR Doc. 82-14108 Filed 5-21-82; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Timco Oil Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Timco Oil Company, 845 E. Willow Street, Long Beach, California 90806. This Proposed Remedial Order charges Timco Oil Company with pricing violations in the amount of \$132,994.24 connected with the first sale of crude oil during the period January 1974 through December 1977 in the State of California.

A copy of the Proposed Remedial Order with confidential information deleted may be obtained from Sandra K. Webb, Director, Economic Regulatory Administration, Department of Energy, 845 South Figueroa Street, Suite 410, Los Angeles, California 90017, phone (213) 688-4014. On or before June 8, 1982, any aggrieved person may file a Notice of Objection with the U.S. Department of Energy, Office of Hearings and Appeals, 12th and Pennsylvania Avenue, NW., Room 3304, Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Los Angeles, California on the 30th day of April, 1982.

Sandra K. Webb,

Director, Los Angeles Office, Economic Regulatory Administration.

[FR Doc. 82-14109 Filed 5-21-82; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RP82-91-000]

Algonquin Gas Transmission Co.; Notice of Proposed Changes in FERC Gas Tariff

May 17, 1982.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on May 11, 1982, tendered for filing as part of its FERC Gas Tariff, Original Volume No. 2, the following tariff sheets:

Fifth Revised Sheet No. 2
Fifth Revised Sheet No. 3
Twenty-ninth Revised Sheet No. 4
Eighth Revised Sheet No. 5

Algonquin Gas states that the revised sheets, comprising Algonquin Gas' Rate Schedule X-1, reflects the terms of a revised agreement dated May 5, 1982, between Algonquin Gas and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. ("Tennessee") which Algonquin Gas and Tennessee have executed for the purpose of expanding the flexibility of Rate Schedule X-1. The revised agreement adds as permissible delivery points for the delivery and receipt of gas to be exchanged between such parties, existing delivery points of any customer which operates an integrated distribution system served in common by Algonquin Gas and Tennessee.

Algonquin Gas requests that the Commission accept the above tariff sheets for filing effective June 11, 1982.

Algonquin Gas states that a copy of the above filing is being mailed to all of Algonquin Gas' customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 28, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-14044 Filed 5-21-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-505-000]

Boston Edison Co.; Notice of Filing

May 18, 1982.

The Filing Company submits the following:

Take notice that Boston Edison Company of Boston, Massachusetts ("Edison") on May 7, 1982, tendered for filing a specification of the contract demand service to be taken by the Town of Reading, Massachusetts ("Reading") under Edison's contract demand tariff. Edison states that the filing does not change the terms and conditions of service or affect the rate level charged to Reading.

Copies of the filing have been served upon Reading and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 3, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-14045 Filed 5-21-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-504-000]

The Cleveland Electric Illuminating Co.; Notice of Filing

May 18, 1982.

The filing company submits the following:

Take notice that on May 6, 1982, The Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and Exhibits A and B thereto, providing for transmission by CEI of approximately 50 MW of power from the 345 kv interconnection point on CEI's Juniper-Canton Line with the Ohio Power Company to the City of Cleveland, Ohio (City) in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff.

CEI has requested waiver of the FERC's 60-day notice requirement in

order to permit commencement of transmission service on May 1, 1982.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 3, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-14047 Filed 5-21-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-507-000]

Cliffs Electric Service Co.; Notice of Filing

May 18, 1982.

The filing Company submits the following:

Take notice that on May 7, 1982, Cliffs Electric Service Company (CESCO) filed an Agreement which it has executed with Upper Peninsula Power Company (UPPCO) which provides for the purchase and sale of short-term power on both a week-to-week and on a daily basis. The rate will be 0.77/kw on a weekly basis and 0.19/kw on a daily basis.

CESCO requests waiver of the Commission's notice requirements to allow for an effective date of May 1, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 3, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-14048 Filed 5-21-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-509-000]

Consumers Power Co.; Notice of Filing

May 18, 1982.

The filing Company submits the following:

Take notice that on May 10, 1982, Consumers Power Company (Consumers) tendered for filing Supplemental Agreement No. 2 to its contract for wholesale for resale electric service with the City of Bay City, Michigan. The aforementioned contract was dated and became effective on February 7, 1980. It was accepted for filing by letter of November 17, 1980 in FERC Docket No. ER80-765.

Consumers Supplemental Agreement No. 2 establishes a new point of delivery, at Bay City's Sidney Street Station and prescribes the conditions for line extension to the Sidney Street Substation.

Consumers Power states that copies of the filing were served on Bay City and on the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 3, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-14046 Filed 5-21-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-90-000]

Florida Gas Transmission Co.; Notice of Tariff Filing

May 17, 1982.

Public notice is hereby given that on May 7, 1982, Florida Gas Transmission

Company (FGT) tendered for filing in the above-referenced docket the following tariff sheets:

Second Revised Sheet No. 22-A

Third Revised Sheet No. 22-B

The foregoing tariff sheets were filed with the Commission in response to Commission Order Nos. 328 and 365 and were modified pursuant to Commission Order of September 29, 1971 in Docket No. CP79-181, et al. These tariff sheets reflect FGT's "lateral line" policy for both new (First Revised Sheet No. 22-A) and existing customers (Second Revised Sheet No. 22-B).

FGT proposes herein to modify its lateral line policy to require a customer requesting service in communities not receiving natural gas to bear the cost of the facilities necessary to render the requested service.

FGT also proposes that in the case of an existing resale customer requesting an "unconnected" delivery point within his service area, the requesting customer will be required to demonstrate that the end uses at the proposed new delivery point will fall within Priorities 1-4 of FGT's curtailment plan.

FGT requests that the Commission allow these tariff sheets to become effective thirty (30) days from the date of filing.

Copies of the filing were served upon FGT's jurisdictional customers and the Florida Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 28, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-14049 Filed 5-21-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-503-000]

Idaho Power Co.; Notice of Filing

May 18, 1982.

The filing Company submits the following:

Take notice that on May 6, 1982, Idaho Power Company (Idaho) tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during March, 1982, along with cost justification for the rate charged.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 2, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-14050 Filed 5-21-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-60-002]

Locust Ridge Gas Co.; Notice of Proposed Change in FERC Gas Tariffs

May 17, 1982.

Take notice that on May 10, 1982, Locust Ridge Gas Company (Locust Ridge) tendered for filing Third Revised Sheet No. 21B and Third Revised Sheet No. 21C to the Company's Original Volume No. 3 and Second Revised Sheet No. 13 and Second Revised Sheet No. 14 to the Company's Original Volume No. 1. The revised tariff sheets were to be effective January 1, 1982.

Locust Ridge states that pursuant to the Commission's "Order Accepting For Filing And Suspending Proposed Tariff Sheets, Subject To Conditions And Establishing Procedures" issued on February 26, 1982 (the "Order"), Locust Ridge's filing in the captioned docket was made effective subject to refund March 1, 1982. A technical conference was to be convened within sixty days from issuance of the Order during which

Locust Ridge was to furnish Staff with any additional information necessary for the determination of the appropriateness of the filing.

Locust Ridge and the Commission Staff had a meeting in the offices of the Commission on April 20, 1982, during which all information requested by Staff was furnished. At the conclusion of the meeting and subsequent discussions, no changes in the filed rate were necessary. However, Staff directed the Company to prepare certain revised tariff sheets.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before May 28, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-14052 Filed 5-21-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER82-513-000]

Mid-Continent Area Power Pool Agreement; Notice of Filing

May 18, 1982.

The filing Company submits the following:

Take notice that on May 10, 1982, the MAPP Coordination Center (MAPP) tendered for filing an amendment to the Mid-Continent Area Power Pool Agreement which would eliminate the Pool Administrative Committee and assign its responsibilities to other existing committees, change the name of the Planning Committee to Engineering Committee, authorize MAPP to be the regional representative on the National Electric Reliability Council and update Pool membership.

MAPP requests an effective date of June 1, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10. All such petitions or protests should be filed on or before June 4, 1982.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-14056 Filed 5-21-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER82-489-000]

Mississippi Power Co.; Notice of Filing

May 17, 1982.

The filing Company submits the following:

Take notice that on April 30, 1982, the Mississippi Power Company (Mississippi) tendered for filing on behalf of the Coast Electric Power Association a request for Mississippi to discontinue electric service to Boley (No. of Picayune) delivery point effective August 18, 1981, and to terminate Supplement No. 6 to Service Agreement under FERC Electric Tariff Original Volume No. 1.

The electric service requirements of this delivery point are now being served by Mississippi through other delivery points of Coast Electric Power Association.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 28, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-14051 Filed 5-21-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP81-48-005]

Mississippi River Transmission Corp.; Notice of Rate Change

May 17, 1982.

Take notice that on May 11, 1982, Mississippi River Transmission Corporation ("Mississippi") tendered for filing revised tariff sheets to its FERC Gas Tariff as listed on the attached Appendix, and a Refund Report. The tariff sheets carry effective dates as indicated in the Appendix.

The purpose of the filing is to implement the applicable provisions of the Stipulation and Agreement ("Agreement") at Docket No. RP81-48, approved by Commission letter order dated April 9, 1982. The revised tariff sheets reflect settlement base tariff rates as adjusted in accordance with certain tracking provisions, and revised PGA procedures to implement the unit of sales PGA methodology. The Refund Report sets forth the cash distribution made to Mississippi's jurisdictional sales and transportation service customers affected by the Agreement.

Mississippi states that copies of its filing have been served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 28, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-14053 Filed 5-21-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER82-511-000]

Niagara Mohawk Power Corp.; Notice of Filing

May 18, 1982.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara), on May 10, 1982, tendered for filing as a rate

schedule, an agreement between Niagara and the New York State Electric and Gas Corporation (NYSEG) dated January 8, 1982.

Niagara presently has on file an agreement with NYSEG dated December 1, 1976. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule F.E.R.C. 97. This new agreement is being transmitted as a supplement to the existing agreement.

Niagara states that this supplement revises the transmission rate and leasing and reserve rates as provided for in the terms of the original agreement.

Niagara requests waiver of the Commission's prior notice requirements in order to allow said agreement to become effective as of July 1, 1981.

Copies of the filing were served upon the New York State Electric and Gas Corporation and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 3, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[PR Doc. 82-14054 Filed 5-21-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP79-68-005]

North Penn Gas Co.; Notice of Proposed Change in FERC Gas Tariff

May 17, 1982.

Take note that on April 28, 1982, North Penn Gas Company (North Penn) tendered for filing North Penn's 69th Revised Sheet No. PGA-1 to its FERC Gas Tariff, First Revised Volume No. 1 and schedules relating to the development of the rates set forth in the revised tariff sheet. This filing was made pursuant to Paragraph (B) of the Commission's order of March 29, 1982 denying rehearing.

North Penn states that in submitting the revised tariff sheet and in making the refunds required by the order of March 29, 1982, North Penn does not

waive and expressly reserves its right to seek judicial review of the orders of January 16, 1981 and March 29, 1982. Additionally, in making the refunds and charging the rates specified in the revised tariff sheets, North Penn does not waive and expressly reserves the right, in the event of court review and remand or reversal of the Commission's orders in this case, to recoup through surcharges the difference between the amounts paid by North's customers at the rate levels set forth in the revised tariff sheet and the amounts the customer would have paid giving effect to the final order of the Commission pursuant to the appellate decision, together with interest, all in accordance with Commission rulings and representation to courts of appeal in opposing motions for stay.

Copies of this filing were served upon all parties.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 28, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[PR Doc. 82-14055 Filed 5-21-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-510-000]

Northern States Power Co.; Notice of Filing

May 18, 1982

The filing Company submits the following:

Take notice that Northern States Power Company (NSP) May 10, 1982, tendered for filing Supplement No. 3, dated April 28, 1982 to the Interconnection and Interchange Agreement, dated January 25, 1968, between Northern States Power Company (Minnesota), Northern States Power Company (Wisconsin) and Wisconsin Public Service Corporation. NSP proposes an effective date of May 1, 1982.

NSP states that Supplement No. 3 revises the rates contained in Service Schedule A, Emergency Energy Interchange Service, and Service Schedule E, Short Term Power Interchange Service, making the rates comparable to those of area power pools.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 3, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[PR Doc. 82-14056 Filed 5-21-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RA82-23-000]

Oasis Petroleum Corp.; Notice of Filing of Petition for Review Under 42 U.S.C. 7194

May 18, 1982.

Take notice that Oasis Petroleum Corporation on May 11, 1982 filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participate in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before June 2, 1982, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before June 2, 1982, in accordance with the Commission's

Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE., Washington, D.C. 20426.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-14069 Filed 5-21-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-508-000]

Public Service Company of New Mexico; Notice of Filing

May 18, 1982.

The filing Company submits the following:

Take notice that on May 7, 1982, Public Service Company of New Mexico (PNM) tendered for filing a Tucson Electric Power Company (TEP) and Public Service Company of New Mexico and Transmission Agreement, dated April 26, 1982, (Agreement). PNM indicates the Agreement provides (a) for the exchange of power and energy between TEP (at the Arizona Nuclear Power Project (ANPP) Switchyard and Westwing Switching Station) and PNM (at the San Juan Generating Station Switchyard), and (b) for the assignment by PNM to TEP of certain rights in the ANPP Valley Transmission System from Westwing through the ANPP Switchyard. To enable the parties to have the assurance that the Agreement will become effective on May 1, 1982, and thereby allowing the benefits which are anticipated to be obtained for their respective customers under the Agreement, the parties have requested waiver of the Commission's notice requirements.

Copies of the filing have been served upon TEP and the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 3, 1982.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-14067 Filed 5-21-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP82-39-000]

Railroad Commission of Texas, Section 108 NGPA Determination; Getty Oil Co., J.M. Treadwell Well No. 5-U, Docket No. F-7C-029123, JD No. 81-33968; Request for Withdrawal of Section 108 NGPA Determination

Issued May 18, 1982

On February 16, 1982, Getty Oil Company (Getty) filed with the Federal Energy Regulatory Commission (Commission) a letter addressed to the Railroad Commission of Texas (Texas) requesting withdrawal of the final determination that gas from the J.M. Treadwell Well No. 5-U qualifies as gas from a stripper well subject to the maximum lawful price set by section 108 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3318 (Supp. IV 1980). The Commission received notice of Texas' determination on June 1, 1981. The determination became final on July 16, 1981.

Getty states that a review of its records indicates that the subject well had multiple completion locations and the production data qualifying the well was not the total production as required by § 271.804(a)(1) of the regulations. It therefore asks to withdraw the application. Getty states that it has informed the reseller of the gas from the subject well, Arco Oil and Gas Company, of the petition to withdraw and of Arco's refund obligations as a reseller buying gas on a percentage-of-proceeds basis pursuant to § 270.202 of the regulations.

Notice is hereby given that the question of whether the Commission will require refunds, plus interest computed under § 154.102(d) of the regulations, is a matter subject to the review and final decision of the Commission.

Any person desiring to be heard or to protest this request, should file, on or before June 23, 1982 with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a protest or petition to intervene in accordance with the requirements of the Commission's Rules

of Practice and Procedure (18 CFR §§ 1.8 and 1.10). All protests filed with the Commission will be considered but will not make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-14060 Filed 5-21-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-506-000]

San Diego Gas & Electric Co.; Notice of Filing

May 18, 1982

The filing Company submits the following:

Take notice that May 7, 1982, San Diego Gas & Electric Company (SDG&E) tendered for filing as an initial rate schedule an Economy Energy Agreement between SDG&E and El Paso Electric Company dated April 29, 1982.

San Diego requests waiver under the provisions of § 35.11 so that the service could commence on May 1, 1982.

Any person desiring to be heard or to protest said filing should be filed on or before protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 3, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-14061 Filed 5-21-82; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Implementation of Special Refund Procedures and Solicitation of Comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures to be followed in refunding to members of the public \$247,285 in consent order funds. The funds are maintained in escrow accounts that were established in settlement of enforcement proceedings brought by the Office of Enforcement [now the Office of Special Counsel] in the matters of Fagadau Energy Corporation (\$83,985), Liquid Products Recovery, Inc. (\$62,500), Worldwide Energy Corporation (\$49,400), and Gas Engine and Compressor Service (\$51,400).

DATE AND ADDRESS: Applications for Refund must be postmarked by August 23, 1982 and should be addressed to Fagadau (LPR, Worldwide Gas Engine), Consent Order Refund proceedings, 12th Street and Pennsylvania Avenue, NW., Washington, D.C. 20461. All applications and comments should display conspicuously a reference to the appropriate case name and number.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, Department of Energy, 12th Street and Pennsylvania Avenue, NW., Washington, D.C. 20461, (202) 633-8277.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the final decision and order set out below. The final decision and order relates to consent orders entered into by the Office of Enforcement of the DOE's Economic Regulatory Administration and Fagadau Energy Corporation, see 44 FR 40545 (1979), Liquid Products Recovery, Inc., see 44 FR 52882 (1979), Worldwide Energy Corporation, see 45 FR 18430 (1980) and Gas Engine and Compressor Service, see 44 FR 52860 (1979). All four firms are gas plant operators that produced natural gas liquids (NGLs). Pursuant to the consent orders, these firms have agreed to make refunds totaling over \$247,000 to settle alleged violations of the DOE price regulations which occurred between 1973 and 1977.

The Office of Hearings and Appeals has previously issued proposed decisions and orders which tentatively established a two-stage refund procedure and solicited comments from interested parties concerning the proper disposition of the consent order funds. The proposed decision and order discussing the distribution of funds obtained through the consent order with Fagadau Energy Corporation was issued on May 1, 1981 46 FR 25535 (1981). The

proposed decision and order discussing the distribution of funds obtained through the consent order with Liquid Products Recovery, Inc. was issued on May 22, 1981, 46 FR 28929 (1981). The proposed decision and order concerning refund of consent order funds obtained from Worldwide Energy Corporation and Gas Engine and Compressor Service was issued on August 18, 1981, 46 FR 42743 (1981).

The final decision and order reflects our analysis of comments received from interested parties. As we indicate in the final decision, applications for refund from the consent order funds may now be filed. Applications will be accepted provided they are postmarked no later than ninety days from the date of publication of this notice. See 10 CFR 205.283. We will accept applications from all claimants that can affirmatively demonstrate that they have been directly injured by the violations alleged in the consent orders. A detailed discussion of what information a party must provide in order to assert a successful claim is set forth in the final decision and order appended to this notice.

The final decision reaches no determination with regard to the disposition of any funds in the second stage of the proceeding, however, because the most appropriate disposition of the remaining funds may be determined, to a great extent, by the amount of money that remains after the first stages of the proceeding. Instead, the final decision solicits further comments on the appropriate distribution of these funds.

Commenting parties are requested to submit two copies of their comments. Comments should be filed by June 23, 1982, and should be addressed to the address set forth at the beginning of that notice. All comments received in this proceeding will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, between the hours of 1:00 to 5:00 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on May 17, 1982.

George B. Breznay,
Director, Office of Hearings and Appeals,
Department of Energy
Washington, D.C.
May 17, 1982

Decision and Order of the Department of Energy

Special Refund Procedures

Name of Petitioner: Office of Enforcement,
Economic Regulatory Administration; In the
Matters of Fagadau Energy Corporation,

Liquid Products Recovery, Inc., Worldwide Energy Corporation, and Gas Engine and Compressor Service.

Dates of Filing: March 27, 1981, January 29, 1981, May 13, 1981, May 26, 1981.

Case Numbers: BEF-0030, BEF-0029, BEF-0049, BEF-0054.

Under the procedural regulations of the Department of Energy, the Economic Regulatory Administration's Office of Enforcement (OE) (now the Office of Special Counsel) may request the Office of Hearings and Appeals (OHA) to formulate and implement special procedures to make refunds in order to remedy the effects of alleged violations of the DOE regulations. See 10 C.F.R. Part 205, Subpart V.

In accordance with these regulatory provisions, the OE filed Petitions for the Implementation of Special Refund Procedures in connection with consent orders entered into with Fagadau Energy Corporation (Fagadau), Liquid Products Recovery, Inc. (LPR), Worldwide Energy Corporation (Worldwide), and Gas Engine and Compressor Service (Gas Engine). Under the terms of these consent orders, the four firms agreed to make refunds for alleged violations of the DOE price regulations in sales of natural gas liquids (NGLs) in the following amounts: \$83,985 (Fagadau) (1), \$62,500 (LPR) (2), \$49,400 (Worldwide) (3), and \$51,400 (Gas Engine) (4). The funds have been paid to the DOE and are now being held in an escrow account under the jurisdiction of the DOE pending receipt of instructions from the Office of Hearings and Appeals regarding their distribution.

Background

Proposed decisions and orders which tentatively established special refund procedures to be used in adjudicating claims to the settlement funds involved in this proceeding have been previously issued, and comments have been received from interested parties concerning the proper disposition of the consent order funds. (5) In the proposed decisions we tentatively established a two-stage special refund procedure for the consent order funds. In the first stage, those firms which purchased NGLs during the relevant period from the firms involved and who believed they were eligible for a portion of the consent order funds could file Applications for Refund pursuant to 10 C.F.R. § 205.283. Downstream purchasers would also be permitted to file Applications for Refund pursuant to 10 C.F.R. § 205.283. Downstream purchasers would also be permitted to file Applications for Refund during the first stage of the refund process. Each application would be analyzed, and individual determinations on the merits of each would be rendered. All meritorious claims would then be paid. Finally, we suggested as the second stage of the refund process that the first purchasers submit proposals which set forth appropriate mechanisms for returning moneys to the parties who likely paid increased prices as a result of the alleged overcharges. We alternatively proposed that if such plans proved infeasible, any portion of the settlement fund which, because of prohibitive

administrative costs, might otherwise go undistributed be deposited in the Treasury of the United States. See 10 C.F.R. § 205.267(c).

The proposed decisions and orders were published in the Federal Register, and copies were sent to all interested parties. The comment periods specified in the Federal Register have passed. The cases involving Fagadau, LPR, Worldwide, and Gas Engine (hereinafter "the four firms") have in common many legal and factual issues. All four firms are "gas plant operators" as that term is defined in 10 C.F.R. § 212.62. All have identified first purchasers who could file claims, which if properly established, might completely exhaust the consent order funds. Furthermore, all of the proposed decisions and orders issued for these firms contained identical first-stage refund procedures. Finally, many of the commenters who responded to our request for comments filed virtually the same comments in each case. Consequently, we believe that these four cases should be consolidated for a final determination concerning the first stage of the refund procedures.

The purpose of this decision will be to establish the mechanism by which firms that purchased NGLs from the four firms may file Applications for Refund. We shall first discuss the comments which we received concerning the first-stage refund procedures which we tentatively adopted in the proposed decisions and orders in these cases. Then we shall discuss in detail the Application for Refund procedures that we have decided to adopt. We shall not, however, discuss the second-stage refund process in this decision. As noted above, if meritorious claims are filed by those parties who purchased NGLs from the four firms, the consent order funds may be thoroughly depleted. In that event no second stage would be necessary. (6) Our determination concerning the disposition of any residual funds will depend on the amount of money available after the first-stage claims procedure is completed. *Office of Enforcement*, 8 DOE § 82,597 (1981) (hereinafter cited as *Vickers*). It is therefore unnecessary at this time for us to reach the issues raised by the commenters concerning the proposed disposition of funds remaining after all meritorious claims have been paid. (7)

Jurisdiction and Authority To Fashion Refund Procedures

We previously determined that the jurisdictional requirements of Subpart V have been satisfied with regard to Fagadau and LPR. We therefore assumed jurisdiction over the distribution of the funds involved in those two cases in an Interlocutory Order issued on April 6, 1981. See *Office of Enforcement*, 8 DOE § 82,516 (1981). With regard to Worldwide and Gas Engine, we tentatively determined that we should likewise exercise our jurisdiction to distribute the funds in those cases in the August 18, 1981 Proposed Decision and Order. See 46 Fed. Reg. 42743 (1981).

Some of the parties who submitted comments following the issuance of the proposed decisions and orders for these cases contend that the OHA should not have asserted jurisdictions. Some firms also

countend that the OHA does not have authority to fashion refund procedures in these cases. In part OHAcular, the commenters contend that: (i) the OHA may not assert jurisdiction at all under Subpart V where a single firm purchased 100 percent of the NGLs produced by a firm during the relevant period; and (ii) the distribution of these funds should be made by state governments rather than the OHA because the states have the inherent power to take possession of unclaimed funds belonging to their citizens. We shall discuss each of these contentions in turn.

The DOE Subpart V regulations provide that "[T]his subpart shall be applicable to those situations in which the Department of Energy is unable to readily identify those persons who are entitled to refunds specified in * * * a Consent Order, or readily ascertain the amounts that such persons are entitled to receive." 10 CFR § 205.280. After reviewing the record compiled in each of the cases involved in this proceeding, we have concluded that the implementation of Subpart V proceedings in each case is appropriate. Although the OHA once refused to exercise its jurisdiction where the OE could identify the first purchaser who was overcharged, see, e.g., *Armour Oil Co.*, 5 DOE § 82,528 (1980) at 85,112 n.2, subsequent changes in the regulatory system have caused us to reconsider our position. At the time *Armour* was decided, crude oil and refined petroleum products were subject to a comprehensive price regulation scheme which could be utilized to facilitate the channeling of refunds to persons who were adversely affected by alleged violations of the DOE price regulations. For example, the DOE could issue an order directing a firm that had overcharged its customers to roll back its prices for a period of time in order to refund overcharge amounts. (8) However, on January 28, 1981, the President exempted crude oil and all refined petroleum products from the DOE regulatory program. Exec. Order No. 12287, 46 Fed. Reg. 9909 (1981). As a result of decontrol, there is no maximum lawful price upon which a rollback order may be based. We find the utilization of Subpart V procedures appropriate even in instances where there is only one first purchaser, as in the Fagadau and Worldwide cases, because it is difficult to determine the extent that a first purchaser was actually injured, or may have passed on the alleged overcharges to its own customers. In order to refund money to the parties affected by the alleged overcharges, a determination must therefore be made regarding the extent to which purchasers of the NGLs involved absorbed the overcharges or passed the higher cost through to downstream customers by raising their own sales prices. Consequently, even in cases where the identity of first purchasers is known, additional factual determinations must be made to determine the persons who were injured and accordingly entitled to refunds. For these reasons, the Office of Hearings and Appeals has decided to exercise jurisdiction over the funds received by the DOE in settlement of the enforcement proceedings underlying the Petitions for Implementation of Special Refund Proceeding in all four cases.

The Controller of the State of California has commented that the state governments are better suited to adjudicate the disposition of the settlement funds than the Office of Hearings and Appeals. (9) The Controller noted that under the American common law system, states have traditionally held the sovereign right to take possession of unclaimed funds belonging to their citizens. The Controller stated that the State of California has ample procedures and expertise to assure all claimants of due process in the adjudication of their claims. The Controller therefore suggests that it would be more efficient to turn over each state's share of the settlement funds to the appropriate state governmental agency for redistribution in accordance with the national restitutionary goals and state procedures, rather than utilizing Subpart V in these cases.

Generally, we agree with the Controller that the states can serve as effective conduits for the distribution of settlement funds in appropriate cases. Indeed, in a recent case we suggested that a portion of certain settlement funds may be distributed through the states if substantial amounts remain after all meritorious claims have been satisfied. See *Office of Enforcement*, 9 DOE § 82,521 (1982) (hereinafter cited as *Alkek*). However, the cases presently before us involve circumstances that are materially different from those present in *Alkek*. In *Alkek* most of the settlement funds were obtained from producers or resellers of crude oil whose alleged regulatory violations fell into three major categories. The first category concerned producers' sales of "old" price-controlled crude as "new" or "stripper well" oil subject to less stringent controls. The second type of violation involved producers who allegedly miscalculated the prices of "old" oil which they sold. The third type involved resellers or brokers of crude oil who miscertified "old" crude oil. We observed that due to the nature of these violations and the operation of the Crude Oil Entitlements Program, 10 C.F.R. § 211.67, it was likely that few firms would be able to demonstrate during the first stage that they had been injured. Consequently, we predicted that there would be a large fund remaining at the conclusion of the first stage of the refund process. By contrast, the settlement fund in the present four cases totals only \$247,285 and it is conceivable that meritorious claims might exhaust the entire fund.

In addition, it may be easier to ascertain the locale of injured parties in this case than it was in *Alkek*, where we determined that it was unlikely that the effects of crude oil violations could be localized due to the operations of the Entitlements Program. In particular, we noted that the operation of the Entitlements Program would have spread the effects of the violations among all refiners even if they had not purchased crude oil from any of the crude oil producers involved. Consequently, we proposed to disburse the remainder of the *Alkek* funds through a nation-wide mechanism. In the case of NGLs, tracing the effects of overcharges may be much less complex because they were not subject to the Entitlements Program.

Furthermore, it may develop that in the course of adjudicating Applications for Refund we may determine that a firm who purchased NGLs passed on the overcharges to customers in a discrete marketing area. See, e.g., *Office of Enforcement*, 8 DOE ¶ 82,597 (1981) (hereinafter referred to as *Vickers*). In that event we may conclude that distribution through the indicated states would be appropriate if the amount of money involved is substantial. However, we do not know the amount, if any, of the funds that will be available for distribution after the first stage is completed. Consequently, we have concluded that it would be premature to establish a secondstage refund mechanism and that it would be inappropriate for us to relinquish these funds to the states at this time.

Comments on the Proposed First Stage

In the proposed decisions which we issued for these cases, we tentatively concluded that as the first stage of the refund procedures we would accept Applications for Refund from parties who had purchased NGLs produced by the four natural gas processors involved. In addition to satisfying the filing requirements of 10 CFR § 205.283, the applicant would be required to demonstrate that it purchased during the relevant time period a specific quantity of products which were produced with or from the NGLs sold by the four firms. In addition, unless the applicant was an ultimate consumer, a party claiming that it was injured would also have to demonstrate that it absorbed any cost increase resulting from the alleged overcharges. We also stated that we would accept and evaluate on a case-by-case basis applications filed on behalf of groups of claimants identifying themselves as adversely affected purchasers. Finally, we solicited comments from all interested parties concerning our proposals.

In response to our request, we received comments from numerous parties including some of the four firms, other similarly situated firms, state governments, offices within the DOE, and public interest groups. Commenting parties suggested various modifications of the proposed procedures and expressed several concerns which we shall discuss below. They commented that: (1) The Application for Refund proceedings must be held publicly so that no potential claimants are excluded from contesting their eligibility for a portion of the funds; (2) The proposed first stage is unfair because it would give first purchasers first priority in filing claims for the settlement funds. Those commenters also thought that the proposed decisions did not establish an adequate level of proof of injury for claimants; (3) The OHA cannot as a matter of law require that a claimant prove that it did not pass on the overcharges to its customers; and (4) Claimants who have themselves entered into DOE consent orders or are the subject of DOE enforcement proceedings for the relevant time periods should not be permitted to file Applications for Refunds. We will discuss each of these points in turn.

With regard to the conduct of the first-stage proceedings, the Controller of the State of California commented that the Application

for Refund proceedings should be open to the public. He suggested that copies of all Applications for Refunds should be made available at no cost to all potential claimants and that all claimants should be permitted to participate in the initial proceedings.

We believe that the Controller's concerns are adequately met by the existing procedural regulations. The Subpart V regulations require that any application for a refund in excess of \$100 be filed in duplicate and a copy of the Application, with confidential information deleted, be made available in the OHA Public Docket Room. 10 CFR § 205.283(a). It is the policy of the OHA Public Docket Room to make available to any requester a copy of any document filed with it. Copies are provided at no cost, if the requested document consists of 30 pages or less, or at a cost of 10 cents per page for each page in excess of 30 pages. In addition, the applicable regulations specify that in evaluating an Application the OHA may conduct an investigation of any statement made in an Application and may solicit and consider information from any source. 10 CFR § 205.284(b). Therefore it is clear that any party may submit information and comments to aid us in our adjudication of specific claims.

Some of the commenters complained that the proposed decisions established priority treatment of claims filed by first purchasers to the prejudice of downstream purchaser-claimants. In addition, those commenters objected to the proposed procedures because they believed the proposals would permit first purchasers to automatically recover refunds to the extent that their "banked" (unrecovered increased product) costs for the relevant period equalled or exceeded the amount claimed.

We believe that these commenters have taken unnecessarily narrow view of the proceedings envisioned by the proposed decision and the Subpart V regulations. As an initial matter, our proposed decisions clearly stated that applications for refund would be accepted from all claimants, including representatives of groups of consumers. See, e.g., our discussion in the *Fagadau* proposed decision and order, *Office of Enforcement*, 46 Fed. Reg. at 25538. In addition, the required showing of sufficient banks is only a threshold showing to be applied in making a determination as to whether a claimant actually suffered any injury. If a claimant meets this test, it will still be necessary for the firm to proffer some type of additional evidence, depending upon the size and nature of firm, to demonstrate that it indeed was injured by the alleged overcharges. To the extent that a first purchaser can establish that it did not pass on any alleged overcharges to its downstream customers, those customers were not injured and would have no claim. We therefore disagree with commenters who believe that first purchasers are being accorded an unwarranted priority status in these proceedings.

Several commenters claim that the OHA cannot as a matter of law require a claimant to prove that it did not pass on the alleged overcharges to its customers. In support of that position, the commenters cite the

antitrust case of *Illinois Brick Co. v. Illinois*, 431 U.S. 720 (1977). In *Illinois Brick*, the Supreme Court held that the "pass-on" theory could not be used offensively by a plaintiff who was not a direct purchaser from the defendant but claimed that the effects of an antitrust violation had been passed on to it by an intermediate party. The Court had previously held in *Hanover Shoe v. United Shoe Machine Corp.*, 392 U.S. 481 (1968), that "passing on" could not be used as a defense in a private antitrust action by a defendant alleging that the plaintiff had passed on the resulting overcharges to its customers and therefore suffered no injury.

We have discussed at great length the factors distinguishing private antitrust actions brought under section 4 of the Sherman Act from government enforcement actions brought under the Economic Stabilization Act and the Emergency Petroleum Allocation Act, such as the instant cases, in our recent decision in *Office of Enforcement*, 9 DOE ¶ 82,508 (1981) (hereinafter cited as *Coline*). In *Coline* we held that the considerations underlying the exclusion of pass-on evidence in private antitrust actions, as well as private actions brought by the government under the ESA and the EPAA were inapplicable to section 209 actions. Consequently, we reaffirmed our authority to require proof by a claimant that it absorbed the alleged overcharges in order to establish entitlement to a portion of the settlement fund that is to be distributed in a Subpart V special refund proceeding. No new arguments have been presented in this proceeding which would lead us to alter our position on this matter.

Some of the commenters, including enforcement officials of the DOE, have contended that claimants who have themselves entered into consent orders or who are currently the subject of enforcement proceedings should be precluded from filing Applications for Refunds. Those commenters contend that since such claimants have also violated the DOE regulations they should be excluded from these equitable proceedings because they have "unclean hands." (10) In addition, the Office of Special Counsel (OSC) observed that since it has closed its investigation of firms with which it has entered into consent orders, there is no mechanism for ascertaining the truth of a firm's allegations concerning its banks of unrecovered product costs increases. Moreover, the OSC asserts that its agreement to a consent order does not indicate that it has retreated from its position that a firm violated the DOE regulations. Finally, several parties noted that there are still numerous unresolved enforcement cases involving parties who have filed notices of claims. Consequently, the OHA has been urged to delay or deny disposition of any consent order funds to any claimant who has been or is currently the target of enforcement proceedings.

Upon consideration of the documents filed in the proceedings, we have concluded that it would be inappropriate at this time to refuse to entertain Applications for Refund from any class of claimants. The purpose of the present determination is simply to "set forth the

standards and procedures that will be used in evaluating individual Applications for Refunds." 10 CFR § 205.282(d). A determination on the merits of a particular Application for Refund is a separate process which may include an investigation of statements made by the applicant, submission of information by other sources, and the convening of a hearing. 10 CFR § 205.284. While we agree that consent order funds should not be distributed to parties who, for example, have profited from a criminal scheme to circumvent the DOE regulations, we certainly are in no position to rule on a claimant's eligibility in advance of the filing of an Application for Refund. Moreover, we think it would be undesirable to delay distribution of these funds for the period of years that may elapse before pending enforcement actions have been completed.

Instead of adopting a blanket prohibition against certain claimants, we shall require that each person filing an Application for Refund specify whether there is or has been an enforcement proceeding covering its compliance with the DOE regulations. The applicant should also state whether the matter has been concluded and provide a copy of any adjudicated order issued in the case or any consent order, or other settlement entered into by the applicant. Where appropriate, the relevant enforcement office may be informed of the application by the OHA. We shall then decide on a case-by-case basis whether the applicant was injured by the alleged overcharges in light of all the available information, including substantial evidence of its own regulatory violations.

Thus, it is possible that a firm which is the subject of an ongoing enforcement proceeding might still be eligible to receive a refund from the consent order funds. However, if a final remedial order is ultimately issued against such a firm, some adjustment might be appropriate at the conclusion of the enforcement proceeding to ensure that it does not retain any unwarranted benefits. If it ever becomes necessary, this type of determination will be made on a case-by-case basis, according to the equities involved. Where a claimant has already negotiated a consent order, we believe that it will generally be contrary to the policy encouraging settlements to exclude a claimant solely on that basis. Finally, we wish to emphasize that these refund proceedings may not be used as a substitute for private actions that might be brought under Section 210 of the ESA. The purpose of these proceedings is to provide an equitable mechanism for refunding monies to persons who may have been injured by alleged overcharges, not to provide an alternative legal forum to adjudicate the regulatory compliance of claimants.

Application for Refund Procedures

After having considered all the comments received concerning the first-stage proceedings tentatively adopted in our Proposed Decision and Order we have concluded that: (i) the OHA has property asserted jurisdiction over these cases pursuant to 10 CFR Part 205, Subpart V; (ii) the OHA has authority to implement all of

the procedures which were tentatively adopted in the proposed decisions for these cases; and (iii) Applications for Refund should now be accepted from parties who purchased NGLs from the four firms or who purchased other products made from those NGLs. We shall now discuss the specific requirements for Applications for Refund that we have decided to adopt.

We have determined to accept Applications for Refund of a portion of the four firms' consent order funds filed within 90 days after the publication of this Decision and Order in the Federal Register. See 10 CFR § 205.283. We will consider all applications, although we may later impose a lower dollar limit on claims. See 10 CFR § 205.286(b). Applications made on behalf of a class of claimants will be considered on a case-by-case basis. An application must be in writing, signed by the applicant, and specify which case it pertains to, by firm name and case number. If the applicant is not a direct purchaser from one of the four firms, it should submit evidence indicating from whom the NGLs were purchased and what basis the applicant has for its belief that the NGLs which it purchased originated from a natural gas processing plant named in the consent orders. Any application for a refund in excess of \$100 must be filed in duplicate, and a copy of that application will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, Federal Building, 12th Street and Pennsylvania Avenue, NW., Washington, D.C. 20461. Any applicant who believes that his application contains confidential information must so indicate on the first page of his application and submit two additional copies of his application from which the information that the applicant claims is confidential has been deleted, together with a statement specifying why any such information is privileged or confidential. Each application shall indicate whether the applicant or any person acting on his instructions has filed on intends to file any other application or claim of whatever nature regarding the matters at issue in the underlying enforcement proceeding. Each application shall also include the following statement: I swear (or affirm) that the information submitted is true and accurate to the best of my knowledge and belief. See 10 CFR § 205.283(c); 18 U.S.C. § 1001. In addition, the applicant should furnish us with the name, title, and telephone number of a person who may be contacted by the OHA for additional information concerning the Application. All applications should be sent to: Consent Order Refund Proceeding, Case Nos. BEF-0030, -0029, -0049, -0054; Office of Hearings and Appeals, Department of Energy, 12th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20461. All Applications for Refund received within the time limit specified will be processed pursuant to 10 CFR § 205.284.

In order to assist applicants in establishing eligibility for a portion of the consent order funds, the following section discusses the showing that should be made by refiners, resellers, retailers and end-users of the NGLs covered by the consent orders:

A. Each applicant should report its volume of purchases of NGLs by calendar quarter for

the period of time for which it is claiming it was injured by the alleged overcharges;

B. Each applicant should specify how it used the NGLs—as a petrochemical producer, refiner, reseller, retailer or ultimate consumer;

C. If the applicant is a refiner or reseller, it should state whether it maintained banks of unrecouped product cost increases from the date of the violation through January 27, 1981. It should also furnish the OHA with quarterly bank calculations for the entire period;

D. The applicant must submit evidence to establish that it did not pass on the alleged overcharges to its customers. For example, a firm may submit market surveys to show that price increases to recover overcharges were infeasible; and

E. The applicant should report whether it is or has been involved as a party in other DOE enforcement proceedings or Section 210 actions. If these actions have terminated, the applicant should furnish a copy of any final order issued in the matter. If the action is ongoing, the applicant should briefly describe the action and its current status. Of course, the applicant is under a continuing obligation to keep the OHA informed of any change in status during the pendency of its Application for Refund. See 10 C.F.R. § 205.9(d).

Distribution of the Remainder of the Consent Order Funds

Several comments addressed our proposed distribution of the remainder, if any, of the consent order funds after all meritorious claims have been paid. Those comments can be divided into two groups. First, some comments contend that the Office of Hearings and Appeals lacks the statutory or regulatory authority to implement the proposed distribution. Secondly, some comments acknowledge that this Office possesses the authority to fashion such a restitutionary mechanism, but suggest alternatives to or modification of our original proposal. In this Decision, we are not implementing the second-stage refund procedure. Such a step would be difficult to take before the analysis and processing of Applications for Refund filed in the first stage of the distribution of the consent order funds to claimants, since the amount remaining after all meritorious claims have been paid directly affects the appropriateness of the second-stage distribution scheme. Moreover, in the present cases claimants could assert claims which, if meritorious, would completely exhaust the consent order funds. However, in order for members of the public to be made aware of outstanding issues and be able to comment on them, we summarized and briefly addressed the comments received concerning the proposed second-stage refund procedure in *Vickers*, 8 DOE at 85, 398-99. Many of the same parties who commented on the second-stage procedures proposed for the *Vickers* case submitted virtually identical comments in the present cases. We will not reiterate our discussion of these issues. We continue to seek additional comments on these issues. Comments regarding second-stage procedures in the present case should be submitted to the OHA Consent Order Refund Proceeding at the address listed

above within 30 days of publication of this Decision and Order in the Federal Register.

It is Therefore Ordered That:

The refund amounts provided by Fagadaw Energy Corporation, Liquid Products Recovery, Inc., Worldwide Energy Corporation, and Gas Engine and Compressor Service will be distributed in the manner set forth in the foregoing decision.

Dated: May 17, 1982

George B. Breznay,

Director, Office of Hearings and Appeals.

Footnotes

(1) As a part of its enforcement activities, the OE conducted an audit of Fagadaw in order to determine whether the firm had complied with the DOE pricing regulations applicable to NGLs. See 6 C.F.R. Part 150, Subpart L and 10 C.F.R. Part 212, Subparts E and K. In its audits of Fagadaw's Bluegrove and Marietta gas processing plants, OE found possible violations with respect to first sales of NGLs during the period September 1973 through October 1976. Fagadaw sold the output from those plants only to TLOK Marketing (TLOK) during the relevant time period. In order to settle all claims and disputes between Fagadaw and the OE regarding the first sales of NGLs, Fagadaw agreed to pay \$83,985 to the DOE. The parties further agreed that this amount would be distributed by the DOE pursuant to 10 C.F.R., Part 205, Subpart V. On July 11, 1979, the Proposed Consent Order was finalized without modification and the DOE published notice in the Federal Register requesting that persons believing that they had a claim to all or a portion of the refund amount file written notification of such a claim to ERA within 30 days of publication. 44 FR 40545 (1979). No claim was filed.

(2) The DOE's audit of Liquid Products Recovery, Inc. (LPR) revealed possible overcharges with respect to first sales of NGLs during the period September 1, 1973 through June 30, 1976. In order to settle all claims and disputes between the parties regarding the firm's first sales of NGLs, LPR and the OE entered into a Consent Order in which LPR agreed to pay \$62,500 to the DOE. The parties further agreed that this sum would be distributed by the DOE pursuant to 10 C.F.R., Part 205, Subpart V. Notice of the Consent Order was published in the Federal Register on September 11, 1979. See 44 FR 52862 (1979). Interested persons were provided an opportunity to comment on the terms of the Consent Order and to submit notice of potential claims against the settlement funds. No claims or comments were received by the DOE. According to the ERA, the allocation of possible overcharges among LPR's first purchasers is as follows: Wanda Petroleum—80.13%, Texas Petro Gas—18.02%, Forest Oil Co.—0.09%, Petro Lewis Corporation—0.07%, Koch Oil Company—0.83%, and Sun Production Company—0.86%.

(3) In its audit of Worldwide's Rattlesnake Creek Gas Processing Plant, which was previously owned by Worldwide's predecessor firm, Central States Gas Company, the OE found possible violations with respect to first sales of NGLs during the period April 1, 1975 through April 30, 1977.

Central States sold the output from that plant to Liquid Petroleum Corporation (Liquid Petroleum) during the months of April and May 1975, and continued to sell butane and natural gasoline to that firm during June 1975. During the period June 1975 through April 1977, Central States sold all of the propane obtained at the Rattlesnake Creek plant to Pontotoc Oil Company, and sold butane and natural gasoline to the same firm from July 1975 through April 30, 1977. In order to settle all claims and disputes between the parties, Worldwide agreed to pay \$49,400 to the DOE. The parties further agreed that this amount would be distributed by the DOE pursuant to 10 C.F.R., Part 205, Subpart V. On March 21, 1980, the DOE published notice of the Worldwide Consent Order in the Federal Register and requested that persons believing that they had a claim to all or a portion of the refund amount file written notification of such a claim with ERA within 30 days. 45 FR 18430 (1980). No claim was filed.

(4) In its audit of Gas Engine's Freestone gas processing plant, the OE found possible price violations with respect to first sales of NGLs during the period September 1973 through December 1976. Gas Engine sold NGLs from this plant to Wanda Petroleum and Martin Gas Sales Company. On August 28, 1979, the OE and Gas Engine entered into a consent order under which the firm agreed to pay \$51,400 to the DOE in settlement of all disputes between the parties arising from the OE's audit of the Freestone plant. The parties stipulated that the funds were to be distributed by the DOE pursuant to a Subpart V proceeding. The terms of the final consent order were published in the Federal Register on September 11, 1979. See 44 FR 52860 (1979). Interested parties were given an opportunity to submit written notice of potential claims against the refund account, and the Consumer Energy Council of America submitted comments identifying itself as a potential claimant. No claims were filed by first purchasers of NGLs from Gas Engine.

(5) We issued a proposed decision and order discussing the distribution of Fagadaw consent order funds on May 1, 1981. See 46 FR 25535 (1981). LPR's consent order funds were included in a May 22, 1981 proposed decision and order. See 46 FR 28929 (1981). We also issued a proposed decision and order discussing the distribution of the funds obtained through consent orders with Worldwide and Gas Engine on August 18, 1981. See 46 FR 42743 (1981).

(6) None of the identified first purchasers in this case have submitted plans for distribution of funds which might remain at the conclusion of first-stage refund procedures. As noted in the body of the Decision and Order, however, it may appear appropriate at some time in the future to distribute remaining funds through state governments in the firms' marketing areas. Alternatively, it may develop that the NGLs were distributed through cooperatives which could facilitate refunds.

(7) We have already discussed many of these comments in *Vickers*, 8 DOE ¶ 82,597 (1981).

(8) If a purchasing firm was a refiner or reseller rather than an ultimate consumer, the rolled back price would reduce its "increased

product costs" and therefore reduce the maximum lawful selling price which it could charge consumers. See 10 C.F.R. §§ 212.83 and 212.93.

(9) The Assistant Attorney General for the State of Oregon submitted similar comments.

(10) We have previously held that the equitable doctrine of clean hands will be applied by the OHA in exception cases that involve requests for equitable relief. See *Acomi Corporation*, 4 DOE ¶ 82,542 (1979) and cases cited therein. Special refund proceedings are likewise equitable in nature. See, e.g., *Office of Special Counsel*, 9 DOE ¶ 82,545 (1982) (hereinafter cited as *Pennzoil*) and cases cited therein.

The Temporary Emergency Court of Appeals has recently applied the "clean hands" doctrine in determining whether a purchaser may receive refunds for violations of the DOE regulations. In *Citronelle-Mobile Gathering, Inc. v. Edwards*, 3 Fed. Energy Guidelines, ¶ 26,354 (Temp. Emer. Ct. App. 1982), the court held that because the purchasers of the crude oil involved "aided and abetted" the producer in its violation of the price regulations for their material benefit, "they are barred by 'unclean hands' from seeking or recovering any of the illegal profits." *Id.*, at 28,672.

[FR Doc. 82-14110 Filed 5-23-82; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Rio Grande Project; Proposed Power Rate Adjustment

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of selection of proposed rate—Rio Grande Project, New Mexico.

SUMMARY: The Western Area Power Administration (Western) has proposed three options, based upon possible modes of future operation, regarding a rate increase for firm power generated at the Rio Grande Project, 46 FR 53774 (October 30, 1981). This notice announces the selection of option A and further proposes that the rate increase be implemented in two phases over a time period of 1 year.

DATE: Written comments on the rate selected should be submitted to Western's Area Manager at the address given below no later than June 23, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Albert M. Gabiola, Area Manager, Salt Lake City Area Office, Western Area Power Administration, P.O. Box 11806, Salt Lake City, UT 84147. Telephone: (801) 524-5493.

SUPPLEMENTARY INFORMATION: Western proposes that the new schedule of rates for wholesale firm power service would go into effect beginning with the August 1982 billing period. The proposed rate would be phased so that a capacity

charge of \$4.555/kW-month and an energy charge of 10.72 mills/kWh would be in effect through the July 1983 billing period. Beginning with the August 1983 billing period, the capacity charge would rise to \$5.74/kW-month and the energy charge would increase to 13.50 mills/kWh.

Issued at Golden, Colorado, May 14, 1982.

Robert L. McPhail,
Administrator.

[FR Doc. 82-14111 Filed 5-21-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[AH-FRL-2130-5]

Grant of Application for a Fuel Waiver; Summary of Decision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Pursuant to section 211(f) of the Clean Air Act (Act), the Administrator of EPA is conditionally granting a fuel waiver request, involving ethanol and a proprietary stabilizer, submitted by the Synco 76 Fuel Corporation.

PUBLIC DOCKET: Copies of all public information on this waiver application and the Administrator's decision are available for inspection in, or by request from, public docket EN-81-20 at the Central Docket Section (A-130) of the Environmental Protection Agency, Gallery I-West Tower, 401 M Street SW., Washington, D.C. 20460, (202) 755-0245, between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: James W. Caldwell, Robert Gelman, or Winston Burt, Fuels Section, Field Operations and Support Division, (EN-397), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 382-2835.

SUPPLEMENTARY INFORMATION: Section 211(f) of the Clean Air Act (Act), 42 U.S.C. 7545(f)(1), prohibits the introduction into commerce of certain new automotive fuels and fuel additives. Section 211(f)(4) of the Act, 42 U.S.C. 7545, provides that the Administrator of EPA, upon application by a fuel or fuel additive manufacturer, may waive the prohibition established under section 211(f) if the Administrator determines that the applicant has established that such fuel or fuel additive will not cause vehicles to fail emissions standards. The Synco 76 Fuel Corporation (Synco) has

submitted such an application for a fuel additive.

For reasons specified in the decision document, I have decided conditionally to grant the waiver request by Synco for a fuel additive composed of a proprietary stabilizer mixed with anhydrous ethanol and denatured by Methyl Isobutyl Ketone (MIK), provided that the proprietary stabilizer is composed of 67% hexanol, 4% pentanol, 2% octanol, and 27% ($\pm$ 2%) araffinates derived from the coal liquefaction process (the precise mixture of the araffinates is proprietary information); the fuel additive, mixed in a ratio of one-fourth ($\frac{1}{4}$) gallon stabilizer to five (5) gallons ethanol, will be added to forty-five (45) gallons of finished unleaded gasoline; the final fuel (i.e., stabilizer plus anhydrous ethanol, denatured by MIK, plus finished unleaded gasoline) meets the American Society for Testing and Materials (ASTM) fuel volatility specifications (ASTM) D 439-81 for the area and time of year in which it is marketed; and Synco, and any other manufacturer of the fuel additive, will inform all customers to whom the fuel additive is sold of the conditions of this waiver and provide guidance as to how those conditions will be met.

The waiver is being granted, as explained in the decision document, based on the determination that the additive, when used as specified above, will not cause or contribute to a significant failure of 1975 or subsequent model year vehicles or engines to comply with applicable emission standards under the Act.

This action is not a "rule" as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2), because EPA is not required to undergo "notice and comment" under section 553(b) of the Administrative Procedure Act, or other law. Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities.

This is a final Agency action of national applicability. Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of May 24, 1982. Under section 307(b)(2), today's action may not be challenged later in a civil or criminal proceeding for enforcement.

Dated: May 18, 1982.

Anne M. Gorsuch,
Administrator.

[FR Doc. 82-14112 Filed 5-21-82; 8:45 am]

BILLING CODE 6560-50-M

[OPTS 140009; TSH-FRL-2030-7]

Research Triangle Institute, Transfer of Data to Contractor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA will transfer to its contractor, Research Triangle Institute (RTI) of Research Triangle Park, North Carolina, information which has been or will be submitted by manufacturers and importers under section 8(a) of the Toxic Substances Control Act (TSCA). Some of this information may be claimed to be confidential. The Research Triangle Institute will review this information and use it to produce exposure assessments of chemicals which may require testing to determine risk, chemicals which may require regulation, and chemicals for which recordkeeping has been required.

DATE: The transfer of data submitted to EPA and claimed to be confidential will occur no sooner than June 8, 1982.

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, RM. E-509, 401 M St., SW., Washington, D.C. 20460, Toll-free: (800-424-9065). In Washington, D.C.: (554-1404). Outside the USA: (Operator-202-554-2404).

SUPPLEMENTARY INFORMATION: Under TSCA, EPA must determine whether certain chemical substances or mixtures may present an unreasonable risk of injury to health or the environment from their manufacture, processing, distribution in commerce, use, or disposal. As a component of the unreasonable risk determination, the agency must determine whether or not there is potential for human or environmental exposure to the substance or mixtures in question. To accomplish this, EPA will require the assistance of outside experts. EPA has selected the Research Triangle Institute of Research Triangle Park, North Carolina, to assist it in determining if there is potential human or environmental exposure to certain chemical substances or mixtures (Contract 68-01-5848).

In accordance with 40 CFR 2.306(j), EPA has determined that it will need to disclose confidential business information to RTI for the satisfactory performance of this contract. EPA will provide RTI with information on product formulation and specific processes used to manufacture or process chemical substances as well as other information

related to the uses, release rates, and exposure levels of chemical substances obtained from submissions under section 8(a) rules.

RTI is legally required under the terms of its contract to safeguard from any authorized disclosure the confidential business information it reviews. Any reports it prepares using this information will also be treated as confidential.

Since RTI will review information claimed to be confidential, EPA is publishing this notice to inform all submitters of section 8(a) information that RTI will receive confidential business information from EPA. After completing the assignments, RTI will return the confidential business information to EPA.

RTI's security plan and facilities have been inspected by EPA and found to be in compliance with the Contractor Requirements for the Control and Security of Confidential Business Information security manual, RTI is required to treat all TSCA confidential business information in accordance with the requirements of that manual, and its personnel will be required to sign a nondisclosure agreement before they are permitted access to such information.

Dated: May 14, 1982.

Don R. Clay,

Director, Office of Toxic Substances.

[PR Doc. 82-14002 Filed 5-21-82; 8:45 am]

BILLING CODE 6560-50-M

[OPP 30064; DH-FRL 2130-5]

Pesticide Registration Guidelines; Availability of Draft for Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: The draft, nonregulatory pesticide registration guidelines are now available for public review at the ten EPA regional offices and EPA Headquarters. The agency is soliciting written comments. Oral comments may also be made on the draft at a public meeting to be scheduled later this year. After consideration of the comments by EPA, the guidelines will be published by the National Technical Information Service (NTIS).

DATE: Written comments and requests for time to present oral comments must be received on or before July 8, 1982.

ADDRESSES: Submit comments, identified by the control number OPP 30064, in triplicate, to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental

Protection Agency, Rm. E-409, 401 M St., SW., Washington, D.C. 20460.

Comments are available for viewing at the EPA Headquarters in Rm. E-107, at the address given above. The draft guidelines are available for review in Rm. E-107, EPA Headquarters, and at the EPA Regional Offices listed under **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT:

Robert K. Hitch, Hazard Evaluation Division (TS-769C), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. 821, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7351).

SUPPLEMENTARY INFORMATION: EPA is soliciting comments on the draft, nonregulatory pesticide registration guidelines. The draft guidelines are available for review at EPA Headquarters and the following Regional Offices:

Region I, Environmental Protection Agency, John F. Kennedy Federal Bldg., Boston, MA 02203.

Region II, Environmental Protection Agency, 26 Federal Plaza, New York, NY 10007.

Region III, Environmental Protection Agency, Curtis Bldg., 6th and Walnut Streets, Philadelphia, PA 19106.

Region IV, Environmental Protection Agency, 345 Courtland St., NE, Atlanta, GA 30308.

Region V, Environmental Protection Agency, 111 W. Jackson St., Chicago, IL 60604.

Region VI, Environmental Protection Agency, First International Bldg., 1201 Elm St., Dallas, TX 75270.

Region VII, Environmental Protection Agency, 324 E. 11th St., Kansas City, MO 64108.

Region VIII, Environmental Protection Agency, 1860 Lincoln St., Denver, CO 80295.

Region IX, Environmental Protection Agency, 215 Fremont St., San Francisco, CA 94105.

Region X, Environmental Protection Agency, 1200 6th Ave., Seattle, WA 98101.

A meeting will be held later this year at which the comments will be discussed. EPA will announce the date and location of the meeting in the Federal Register.

After the meeting and consideration of the comments, EPA will prepare the final pesticide registration guidelines for publication by NTIS. Information on the availability of the guidelines from NTIS, including the NTIS Number and price will be published in the Federal Register.

Dated: May 14, 1982.

John W. Melone,

Acting Director, Office of Pesticide Programs.

[PR Doc. 82-14009 Filed 5-21-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 82-254, File No. BPCT-811019KG, etc.]

Cascade Video of Oregon, Ltd., et al.; Applications for Construction Permit; Hearing Designation Order

Adopted: May 6, 1982.

Released: May 12, 1982.

In the matter of applications of Cascade Video of Oregon, Ltd., Portland, Oregon (BC Docket No. 82-254, File No. BPCT-811019KG), TS-3 Communications, Inc., Beaverton, Oregon (BC Docket No. 82-255, File No. BPCT-811217KJ), Portland Television Associates, Ltd., Portland, Oregon (BC Docket No. 82-256 File No. BPCT-811217KK), Vinco Communications, Inc., (BC Docket No. 82-257, File No. BPCT-811217KK) and Allied Broadcasting Corp., Portland, Oregon (BC Docket No. 82-258, File No. BPCT-811217KL) For Construction Permit

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Cascade Video of Oregon, Ltd. (Cascade), TS-3 Communications, Inc. (TS-3), Portland Television Associates, Ltd. (PTA, Ltd.), Vinco Communications, Inc. (Vinco) and Allied Broadcasting Corp. (Allied) for authority to construct a new commercial television station on Channel 40, Portland, Oregon.

2. Each of the five applicants proposes a transmitter site at Skyline Boulevard Portland, Oregon. On February 1, 1982, the Division of Planning and Development (DPD) of Multnomah County, Oregon, filed a letter indicating that before any of the proposed towers could be built,¹ proposed construction must comply with the County Zoning Authority's land planning regulations which require that any new facility of this type receive a community service use approval by the Board of County Commissioners. Such community service applications, the letter indicates, must be reviewed in at least two public

¹ DPD has not indicated that a copy of this letter was sent to Cascade. However, because they plan construction in the same area, we will assume that the objections also apply to Cascade's proposed tower.

hearings. These approvals apparently have not been sought nor obtained by the applicants.² Because of local concerns over electromagnetic radiation, the Board of County Commissioners for Multnomah County directed the Planning Commission to establish new standards governing electromagnetic radiation emissions for radio and television transmission tower applications. The Board is scheduled to review the standards on May 25, 1982, and until new standards are adopted, it is not expected that construction of new radio or television towers will be permitted.

3. The letter from DPD, which we consider as an informal objection filed pursuant to § 73.3587 of the Commission's Rules, raises a question as to whether there is reasonable assurance that the site proposed by each of the applicants will be available. An appropriate issue will be specified.

4. No determination has been reached that the tower heights and locations proposed by TS-3, PTA, Ltd., and Allied would not constitute a hazard to air navigation. If it is determined that the site is available, an issue regarding this matter will be specified.

5. Since the towers proposed by Cascade, TS-3, PTA, Ltd. and Vinco are nearby to Station KYTE(AM), a grant of any one of these applications will be conditioned to require the permittee to demonstrate that its proposed tower would not alter the radiation patterns of KYTE(AM).

6. All applicants propose to operate from sites located within 250 miles of the Canadian border with maximum visual effective radiated power (ERP) of more than 1000 kilowatts. The proposals pose no interference threat to United States television stations; however, they contravene an agreement between the United States and Canada which limits the maximum visual ERP of United States television stations located within 250 miles of Canada to 1000 kilowatts. *Agreement Effectuate by Exchange of Notes*, T.I.A.S. 2594 (1952). In the event of a grant of any application, the construction permit shall contain a condition precluding station operation with maximum visual ERP in excess of 1000 kilowatts, absent Canadian consent. *South Bend Tribune*, 8 R.R. 2d 416 (1986).

7. Applicants for new broadcast stations are required by § 73.3580(f) of the Commission's Rules to give local notice of the filing of their applications. They must then file with the

Commission the statement described in § 73.3580(h) of the Rules. We have no evidence that Cascade and Vinco have published the required local notice. To remedy this deficiency, Cascade and Vinco will each be required to file a statement of publication with the presiding Administrative Law Judge within 40 days after this Order appears in the Federal Register.

8. One applicant specified Beaverton as its city of license while the other specify Portland. Consequently, it will be necessary to determine, pursuant to § 307(b) of the Communications Act of 1934, as amended, whether a new station in Beaverton or Portland would best provide a fair, efficient, and equitable distribution of radio service. If the § 307(b) issue is not determinative (the Applicants would serve substantial areas in common), all applicants can be considered under the comparative issue.

Vinco Communications, Inc.

9. Table 1, § II, page 3 of FCC Form 301 shows that the 100% owner of the applicant is Multi Media Communications Corporation. However, a second Table 1 shows six additional stockholders whose ownership interests total 24.96% (4.16% each). An issue will be specified to clarify the ownership of Vinco.

11. Applicant estimates that it will require \$1,395,302 to construct its proposed facility and operate for three months, itemized as follows:

Equipment (down payment plus monthly payments)	\$721,000
Land	110,000
Building	50,000
Other items*	10,000
Operating Costs (3 months)	404,302
Total	\$1,395,302

* Vinco's legal and engineering services are being provided free of charge by Mr. Firestone (legal) and Mr. Fergie (engineering).

12. Applicant has not submitted its financial plan; therefore, we cannot determine how it arrived at a figure of \$404,302 for its three months operating expenses. An issue will be specified to determine the basis of its estimate of operating costs.

13. To meet its expenses, Vinco will rely on a \$2,000,000 loan from Third National Bank. We have not received a copy of an agreement supporting this loan. Accordingly, an issue will be specified to determine whether applicant has at least \$1,395,302 to construct and operate as proposed.

Allied Broadcasting Corp.

14. Allied estimates that it will require \$6,324,250 to construct its proposed facility and operate for three months, itemized as follows:

Equipment	\$5,557,000
Land	15,000
Building	40,000
Other items	360,000
Operating costs	352,250
Total	6,324,250

15. To meet these expenses, Allied intends to rely upon funds supplied by Mr. Lawrence J. Weinberg. FCC Form 301, Section III, page 3 item 4(a) requires that each person who has agreed to furnish funds submit a copy of the agreement by which each person is so obligated, showing the amount, rate of interest, terms of repayment and security, if any. The letter submitted does not meet these requirements. Further, Mr. Weinberg's current balance sheet, as required by item 4(b), has not been included. Therefore, applicant may not rely upon Mr. Weinberg as a source of funds to construct its facility. Accordingly, a financial issue will be specified to determine the availability of \$6,324,250.

16. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

17. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to each of the applicants, whether there is reasonable assurance that its specified transmitter site will be available.

2. To determine, with respect to TS-3 Communications, Inc., Portland Television Associates, Ltd. and Allied Broadcasting Corp., whether there is a reasonable possibility that the tower height and location proposed by each would constitute a hazard to air navigation.

3. To determine with respect to Vinco Communications, Inc.:

(a) The ownership and control of the applicant corporation.

(b) The basis of its estimates of operation costs;

(c) The availability of at least \$1,395,302 to construct and operate as proposed;

(d) Whether, in light of the evidence adduced pursuant to issues (b) and (c), applicant is financially qualified.

² PTA, Ltd. stated that it filed notice with the County Zoning Authority simultaneously with the filing of its FCC Form 301.

4. To determine with respect to the Allied Broadcasting Corp.:

(a) The availability of \$6,324,250;
(b) Whether, in light of the evidence adduced pursuant to issue (a), applicant is financially qualified.

5. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would provide a fair, efficient and equitable distribution of television service.

6. In the event it is concluded from Issue 6, above, that a choice between applications should not be based solely on considerations relating to Section 307(b), to determine which proposal would, on a comparative basis, best serve the public interest.

7. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

18. It is further ordered, that the Division of Planning and Development of Multnomah County, Oregon, is made a party respondent with respect to issue 1.

19. It is further ordered, that, the Federal Aviation Administration is made a party respondent with respect to issue 2.

20. It is further ordered, that, in the event of a grant of the application of Cascade, TS-3, PTA, Ltd. or Vinco, the construction permit shall be conditioned as follows:

Prior to the construction of the TV tower authorized herein, permittee shall notify AM station KYTE so that the AM station may determine operating power by the indirect method and, if necessary, request temporary authority from the Commission in Washington to operate with parameters at variance in order to maintain monitoring point field strengths within authorized limits. Permittee shall be responsible for the installation and continued maintenance of detuning apparatus necessary to prevent adverse effects upon the radiation pattern of the AM station. Both prior to construction of the TV tower and subsequent to the installation of all appurtenances thereon, a partial proof of performance, as defined by Section 73.154(a) of the Commission's Rules, shall be conducted to establish that the array of the AM station has not been adversely affected. The results shall be submitted to the Commission and the AM station. Thereafter, the TV station may commence *Limited Program Tests*.

21. It is further ordered, that, in the event of a grant of Cascade's application, the construction permit shall contain the following condition: Operation with effective radiated power

in excess of 1000 kW after December 1, 1983 is subject to a further extension of consent by Canada.

22. It is further ordered, that, in the event of a grant of either TS-3's, PTA, Ltd.'s or Allied's application, the construction permit shall contain the following condition: Operation with effective radiated power in excess of 1000 kW after January 1, 1984 is subject to a further extension of consent by Canada.

23. It is further ordered, that, in the event of a grant of Vinco's application, the construction permit shall contain the following condition: Operation with effective radiated power in excess of 1000 kW after April 1, 1984 is subject to a further extension of consent by Canada.

24. It is further ordered, that, Cascade and Vinco shall file with the presiding Administrative Law Judge proof of publication of local notice of the filing of their applications within 40 days after this Order is published in the Federal Register.

25. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants and the parties respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

26. It is further ordered, that, the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Facilities Division, Broadcast Bureau.

[FR Doc. 82-14106 Filed 5-21-82; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the justification offered therefor at the

Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10427; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, Chicago, Illinois, and San Juan, Puerto Rico. Interested parties may submit comments on the agreement, including request for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by June 3, 1982. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreement and the statement should indicate that this has been done.

Agreement No. T-3825-2.

Filing party: Mr. David G. Abraham, Indiana Port Commission, Port of Indiana, Burns Waterway Harbor, P.O. Box 189, Portage, Indiana 46368.

Summary: Agreement No. T-3825-2, between the Indiana Port Commission (Port) and Cargill, Inc. (Cargill), modifies the basic agreement between the parties which provides for Port's construction and 30-year lease to Cargill of a dock and grain-holding facility at Burns Waterway Harbor. The purpose of the modification is to provide for the issuance of an additional \$4,950,000 in Port Revenue Bonds for the completion of the project.

By order of the Federal Maritime Commission.

Dated: May 19, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82-14039 Filed 5-21-82; 8:45 am]

BILLING CODE 6730-01-M

Termination of Sunday Vessel Certification Duty Officer Service

Notice is hereby given that, due to budgetary restraints, the Federal Maritime Commission is ending its vessel certification Duty Officer program on Sundays. June 13, 1982, will be the last Sunday the Commission will provide duty officer service. Saturday service will continue to be provided

between the hours of 8:30 a.m. and 5:00 p.m., Eastern time.

Duty Officers assist vessel operators and their agents who are unable to demonstrate compliance to the U.S. Customs Service and/or Coast Guard with respect to the financial responsibility requirements of the Clean Water Act, Trans-Alaska Pipeline Authorization Act, Outer Continental Shelf Lands Act Amendments of 1978 and sections 2 and 3 of Pub. L. 89-777. The latter law involves financial responsibility requirements for certain passenger vessel operators.

Due to the forthcoming termination of the Sunday service, vessel operators and all vessel agents whose duties involve the clearing of vessels with U.S. Customs should exercise due diligence to ensure that any problems involving Certificates of Financial Responsibility are corrected as soon as possible during the week. The telephone number of the Commission's Office of Vessel Certification is 202-523-5820.

Vessels which are unable to demonstrate compliance with the above mentioned financial responsibility requirements are subject to denial of clearance by Customs or detention by Coast Guard.

Dated: May 19, 1982.

Francis C. Hurney,
Secretary.

[FR Doc. 82-14036 Filed 5-21-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests

a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than June 16, 1982.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Barclays Bank PLC* and its subsidiary, *Barclays Bank International Limited*, each a bank holding company whose principal office is in London, England (consumer finance; Texas): To engage through their subsidiary, *Barclays American/Financial, Inc.*, a Texas corporation, in making direct consumer loans, including loans secured by real estate, and purchasing, sales finance contracts representing extensions of credit such as would be made or acquired by a consumer finance company, and wholesale financing (floor planning); and acting as agent for the sale of related credit life, credit accident and health and credit property insurance. Credit life and credit accident and health insurance sold as agent may be underwritten or reinsured by BAC's insurance underwriting subsidiaries. This activity would be conducted from an office of BAC located in San Antonio, Texas, serving customers in San Antonio and surrounding areas in Texas. This notification is for the relocation of an existing office at another location in San Antonio, Texas.

2. *Citicorp*, New York, New York (consumer finance, insurance, and loan servicing activities; Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia): To expand the activities of an existing office of Citicorp Acceptance Company, Inc., located in Atlanta, Georgia to include the proposed *de novo* activities of: the purchasing and servicing for its own account of sales finance contracts; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers,

as required; and the servicing, for any person, of loans and other extensions of credit. The proposed service area for the aforementioned activities shall be the entire states of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee and Virginia.

B. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Harris County Bankshares, Inc.*, Houston, Texas (management consulting services; Texas): To engage through its subsidiary, Human Resource Services Corporation, in the sale of personnel consulting services to financial institutions. These activities would be conducted from an office located in Houston, Texas, serving the State of Texas.

C. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Security Pacific Corporation*, Los Angeles, California (escrow activities; Hawaii): To engage through its subsidiary, Security Pacific Escrow, Inc., in acting as escrow agent for the purchase and sale of real property and the execution of all documents and dispersal of funds relating to loan transactions, and all other activities engaged in by an escrow company. These activities would be conducted from an office of Security Pacific Escrow, Inc. in Aiea, Hawaii, serving the State of Hawaii.

Board of Governors of the Federal Reserve System, May 17, 1982.

Dolores S. Smith,
Assistant Secretary of the Board.

[FR Doc. 82-14036 Filed 5-21-82; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater

convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than June 15, 1982.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York, 10045:

1. *Manufacturers Hanover Corporation*, New York, New York, (relocation of office and expansion of service area; Tennessee): To continue to hold the shares of Finance One of Tennessee, Inc. ("Finance One") after Finance One engages in the activities of making or acquiring loans and other extensions of credit, secured or unsecured, such as would be made or acquired by a finance company under Tennessee state law; and offering credit, related life insurance and credit accident, health, and property insurance at 4548 Brainerd Road, Chattanooga, Tennessee. Finance One presently engages in these activities at 811 Chestnut Street, Chattanooga, Tennessee. The application is only to continue to hold the shares of Finance One after Finance One engages in these activities at a different location servicing an expanded service area; the application does not involve the commencement of any new activities at the new location. The new office will serve customers in Hamilton, Marion, Bradley, Polk, McMinn, Rhea, Bledsoe, Grundy, Warren, Van Buren, Franklin, Monroe, and Sequatchie Counties.

2. *Manufacturers Hanover Corporation*, New York, New York (consumer finance, sales finance, and credit insurance activities; California and Ohio): To engage through *de novo* offices of its indirect subsidiaries Finance One of California, Inc. to be located at 1245 Park River Drive, Sacramento, California, and at 3633

Camino del Rio South, San Diego, California, and Finance One Mortgage of Ohio, Inc., to be located at 4015 Executive Park Drive, Cincinnati, Ohio, in the activities of making or acquiring loans and other extensions of credit, secured or unsecured, such as would be made or acquired by a finance company under applicable state law; servicing such loans and other extensions of credit; and offering credit-related life insurance; such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit secured by real and personal property, and offering credit-related single and joint life insurance and decreasing or level term (in the case of single payment loans) life insurance by licensed agents or brokers to the extent permissible under applicable state insurance laws and regulations directly related to extensions of credit made or acquired by the respective subsidiaries. Finance One of California, Inc., to be located at 1245 River Park Drive, Sacramento, California, will serve Sutter, southwest Yuba, southwest Nevada, southwest Placer, west El Dorado, west Amador, northwest Calaveras, north San Joaquin, Sacramento, Solano, northeast Contra Costa, Yolo, southeast Colusa, and Napa Counties, California. Finance One of California, Inc., to be located at 3633 Camino del Rio South, San Diego, California, will serve San Diego and southwest Riverside Counties, California. Finance One Mortgage of Ohio, Inc., will serve the entire State of Ohio.

3. *Manufacturers Hanover Corporation*, New York, New York (consumer finance and credit insurance activities; Georgia and Ohio): To engage through its indirect subsidiaries Finance One of Georgia, Inc. and Finance One of Ohio, Inc. and Finance One Mortgage of Ohio, Inc., in the making or acquiring of direct loans, secured or unsecured such as would be made by a finance company under applicable state law; and acting as agent or broker for the sale of credit life insurance directly related to such lending activity. Finance One of Georgia, Inc., will conduct these activities from an office located at 245 Perimeter Guter Parkway, Atlanta, Georgia. The service area of this office will include the State of Georgia. Manufacturers Hanover corporation also wishes to expand the previously approved service area for other activities of Finance One of Georgia, Inc. at the above location to include the entire State of Georgia. Finance One of Ohio, Inc. and Finance One Mortgage of

Ohio, Inc. will conduct these activities from an office located at Diamond Savings Building, 6100 Channingway Boulevard, Suite 102, Columbus, Ohio. The service area of this office would include the entire State of Ohio. Manufacturers Hanover Corporation also wishes to expand the previously approved service area for the activities of Finance One of Ohio, Inc. and Finance One Mortgage of Ohio, Inc. at the above location to include the entire State of Ohio. The previously approved activities include arranging, making, or acquiring for its own account or for the account of others, loans and other extensions of credit secured by a homeowner's equity interest in a home such as would be made by a consumer finance company, servicing such loans and other extensions of credit for any person, and acting as an agent or broker for the sale of single and joint credit life insurance which is directly related to such loans and extensions of credit; purchasing installment sales finance contracts, and acting as an agent or broker for the sale of single and joint credit life insurance and credit accident and health insurance which is directly related to such loans and extensions of credit.

B. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *First Alabama Bancshares, Inc.*, Montgomery, Alabama (financing activities; Southeastern United States): To engage in making loans or other extensions of credit related to international trade transactions, including the issuance of commercial letters of credit and international finance operations; these activities will include specifically the extension of loans secured by import/export trade receivables or similar services to fully accommodate customers engaged in international trade and related activities. These activities will be conducted from offices in Mobile, Alabama; Birmingham, Alabama; and Huntsville, Alabama; serving Alabama, Mississippi, Florida and the Southeastern United States.

Board of Governors of the Federal Reserve System, May 18, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-14037 Filed 5-21-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval

under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *CB&T, Inc.*, McMinnville, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of City Bank and Trust Company, McMinnville, Tennessee. Comments on this application must be received not later than June 17, 1982.

2. *Louisiana Bancorp, Inc.*, Crowley, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of Louisiana Bank & Trust Company, Crowley, Louisiana. Comments on this application must be received not later than June 17, 1982.

B. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *American Interstate Bancshares, Inc.*, Woodward, Oklahoma; to become a bank holding company by acquiring 81.04 percent of the voting shares of American National Bank, Woodward, Oklahoma. Comments on this application must be received not later than June 17, 1982.

2. *First Bankshares of Las Animas, Inc.*, Las Animas, Colorado; to become a bank holding company by acquiring at least 80 percent of the voting shares of The First National Bank of Las Animas, Las Animas, Colorado. Comments on this application must be received not later than June 17, 1982.

C. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Montgomery County Bancshares, Inc.*, Spring, Texas; to become a bank holding company by acquiring at least 80 percent of the voting shares of

Montgomery County Bank, N.A., Spring, Texas. Comments on this application must be received not later than June 17, 1982.

D. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *1st Business Corporation, Los Angeles, California*; to become a bank holding company by acquiring 100 percent of the voting shares of 1st Business Bank, Los Angeles, California. Comments on this application must be received not later than June 17, 1982.

Board of Governors of the Federal Reserve System, May 18, 1982.

Dolores S. Smith,
Assistant Secretary of the Board.

[FR Doc. 82-14036 Filed 5-21-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Vibration Transmission Characteristics of Workglove Materials; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and will be open to the public for observation and participation, limited only by space available.

Vibration Transmission Characteristics of Workglove Materials

Date: June 18, 1982

Time: 8:30 a.m. to 4:00 p.m.

Place: Robert A. Taft Laboratories, Room 161, 4676 Columbia Parkway, Cincinnati, OH 45226

Purpose: To discuss the methodology for a proposed study of vibration transmission characteristics of workglove materials. This study will examine presently available work gloves and the protection they may offer to a worker when used with vibrating hand tools. Viewpoints and suggestions from industry, organized labor, academia, other government agencies, and the public are invited.

ADDITIONAL INFORMATION MAY BE OBTAINED FROM: Mr. Donald Wasserman, Division of Biomedical and Behavioral Sciences, National Institute for Occupational Safety and Health, Centers for Disease Control, 4676 Columbia Parkway, Cincinnati, OH 45226. Telephone: (513) 684-8281.

Dated: May 18, 1982.

William H. Fooge,
Director, Centers for Disease Control.

[FR Doc. 82-14100 Filed 5-21-82; 8:45 am]

BILLING CODE 4160-10-M

Office of Human Development Services

Administration for Native Americans Program Announcement 13612-827

AGENCY: Office of Human Development Services, HHS.

SUBJECT: Announcement of Availability of Fiscal Year 1982 Financial Assistance for one Native American Project, American Indian Jobs/Skills Bank.

SUMMARY: The Administration for Native Americans (ANA) announces that applications are being accepted for financial assistance under Section 803 of the Native American Programs Act of 1974, Pub. L. 93-644, as amended. Regulations governing this program are published in the Code of Federal Regulations in 45 CFR Part 1336.

DATES: The closing date for the receipt of applications July 23, 1982.

Program Purpose

The purpose of the Administration for Native Americans (ANA) is to promote social and economic self-sufficiency of American Indians, Alaskan Natives and Native Hawaiians through financial assistance, training and technical assistance, and research, demonstration, and evaluation activities as authorized by the Native American Programs Act. The concept of self-sufficiency is defined by ANS as follows:

Self-sufficiency is the level of development and degree of ability in which a Native American community can provide for the needs of community members and pursue its own social and economic goals.

- Responsibility for achieving self-sufficiency rests with the governing bodies of Indian tribes and in the leadership of Native American groups.
- Development of self-sufficiency entails economic progress, together with establishment or improvement of social systems which protect and enhance the health and well-being of individuals, families and communities.
- Achievement of self-sufficiency is based on the community's ability to plan, organize and direct resources to meet community needs and goals.

The Administration for Native Americans bases its program and policy initiatives on the following three program goals:

- To develop or strengthen tribal governments and Native American institutions and local leadership to assure local control and decision making over all resources.
- To foster the development of stable, diversified local economies and

economic activities which provide jobs, promote economic well-being, and reduce dependency on social services.

- To support efforts to develop local access to, and coordination of, services and programs which safeguard the health and well-being of people, and which are essential to a thriving and self-sufficient community.

Project Goal and Objectives

The goal of this program announcement is to provide financial assistance to a non-profit American Indian organization to support a computerized jobs/skills/bank. Financial assistance will be provided for a twenty-seven month project to operate the jobs/skills/bank and provide job placements in the private sector and public sector for qualified skilled American Indian job applicants. At the end of the project period, ANA expects the Bank to be self-supporting and in permanent operation.

Applicants must indicate that the proposed project will address the following:

- Operation of the computerized jobs/skills/bank, which includes sending preliminary and comprehensive questionnaires to job applicants, entering the data into the bank, counseling and assisting applicants, obtaining skills requirements of available jobs from employers and entering such data into the bank, matching available jobs to potential applicants, with a priority emphasis on private sector job opportunities.
- Recruitment of skilled American Indian applicants for the "skills" portion of the bank through extensive promotional and information activities, including work with colleges and universities with substantial numbers of Indian students.
- Extensive recruitment of private sector users of the bank through contacts with potential employers nationwide.
- Recruitment of non-Federal public sector, and Federal agency users through contacts with personnel representatives for over 100 Federal agencies and offices throughout the country, and identification and establishment of new contacts at other Federal, state and local government agencies.
- Coordination with Federal Equal Opportunity Recruitment (FEORP) personnel in order to provide information about the bank's services for these Federal activities.
- Coordination with the Council for Tribal Employment Rights (formerly Tribal Employment Rights Planning Committee) to provide job referrals for

Indian tribal governments and economic enterprises.

- Development of a plan to have the bank become self-supporting by the end of the project period.

Conditions for Funding

The applicant must:

- Be a non-profit American Indian organization. Since the bank must move toward operational self-support during the grant period, the grantee must plan for and develop the means to generate income, so as to no longer require ANA support for full operation of the bank by the end of the project period.

- Have an understanding of problems which may be encountered in the following areas:

- Identifying employment opportunities in the private and public sectors, including working with state employment services agencies

- Advocacy for increased employment for skilled American Indians

- Performing public relations activities in support of American Indians

- Expansion of recruitment activities, with priority in the private sector

- Operation of client placement and development services

- Development of the means for the bank to become self-supporting

- Operating a computerized data system, and modifying associated programs to refine or expand capabilities as required.

- Have the computer capability as detailed in the Application Kit.

More specific details about the objectives of this program announcement will be included in the Application Kit.

Notice of Meeting

ANA will hold a meeting June 14, 1982 in Washington, D.C. to discuss the objectives of the program announcement. Those who wish to attend may call Jan Phalen, ANA, (202) 245-7730 for time and place of the meeting.

Contact Person

Applicants who wish further clarification of this announcement may call Edwin Shealy, ANA, (202) 245-7714.

Eligible Applicants

Non-profit American Indian organizations are eligible to apply for a grant award under this announcement.

Available Funds

ANA expects to award a single grant in the amount of \$275,000 in Fiscal Year 1982. The budget period will be 15

months and the project period will be 27 months.

Refunding after the first 15 months will depend upon the grantee's satisfactory progress, the availability of funds, the grantee's compliance with the Native American Programs Regulations, and the submission of a quality application in response to ANA's FY 1984 Funding Guidance.

Grantee Share of Project

Grantees must provide up to 20% of the total approved cost of the project. Grantee contributions may be in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment, and services. The contributions must be allowable under the Department's applicable regulations in 45 CFR Part 74, Subparts G and Q and must be project related.

Under certain circumstances, some or all of the non-Federal share of the project may be waived by ANA. Further explanation is contained in § 1336.52 of ANA's regulations, which will be provided in the application kit.

The Application Process

Availability of application forms. In order to be considered for a grant under this program announcement, an application must be submitted on the forms supplied and in the manner prescribed by ANA. Clarification and/or explanation on the grant application process as well as the application kit containing the necessary forms may be obtained from:

Department of Health and Human Services, Administration for Native Americans, Room 5300, North Building, 330 Independence Avenue, SW., Washington, D.C. 20201, Ms. Janice B. Phalen, (202) 245-7730, Attention: No. 13612-827.

Application submission. One signed original and the appropriate number of copies of the grant application, including all attachments, must be submitted to the address specified in the Application Kit.

The application shall be signed by an individual authorized to act for the applicant agency and to assume for the agency the obligations imposed by the terms and conditions of the grant award, including Native American Programs Rules and Regulations.

A-95 notification process. In compliance with the Department of Health and Human Services' implementation of the Office of Management and Budget's Circular No. A-95 Revised (procedures at 41 FR 2052, January 13, 1976), applicants who request grant support must, prior to

submission of an application, notify both the State and Areawide Clearinghouses of the intent to apply for Federal financial assistance. Some State and Areawide Clearinghouses provide their own forms for the notification and others use the facesheet (SF-424) of the application form. Applicants should contact the appropriate Clearinghouses (listed at 42 FR 2210, January 10, 1977) for information on how they can meet the A-95 requirements.

Application consideration. The Commissioner determines the final action to be taken with respect to each grant application for this program. Applications which do not conform to this announcement or are not complete will not be accepted for review, and applicants will be notified in writing accordingly. Applications which are complete and conform to the requirements of this program announcement are subjected to a competitive review and evaluation by qualified persons. The results of the review assist the Commissioner in the consideration of competing applications. The Commissioner's consideration also takes into account the comments of the A-95 Clearinghouse, ANA staff, and other interested parties. The Commissioner makes grant awards consistent with the purpose of the Act, the regulations, and the program announcement, within the limits of funds available.

After the Commissioner has reached a decision either to disapprove or to fund a competing grant application, unsuccessful applicants are notified of the decision in writing. Successful applicants are notified through the issuance of a Notice of Financial Assistance Awarded which sets forth in writing to the recipient the amount of funds awarded, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the budget period for which support is given and the amount of recipient participation. It also specifies the total project period for which support is contemplated.

Criteria for Review and Evaluation

Competing grant applications will be reviewed and evaluated against the following criteria: (100 points)

(1) That the project objectives are identical with or are capable of achieving the specific program objectives defined in the announcement. (10 points)

(2) Applicant is well qualified in technical skills and experience to perform the work required as specified in the Conditions for Funding Section. (35 points)

(3) That the proposed activities are well developed and constitute a sound plan for implementation and operation of the jobs/skills bank, and a viable plan for making the bank self-supporting. (30 points)

(4) That (a) project personnel are well qualified and (b) the applicant organization has adequate facilities and resources. (15 points)

(5) That the budget is presented in detail, with complete explanation/justification of line items, and is of reasonable cost to the government. (10 points)

Closing Date for Receipt of Applications

The closing date for receipt of all applications under this program announcement is July 23, 1982.

Mailed applications. Applications mailed through the U.S. Postal Service shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date; or,
2. Sent by first class mail, postmarked on or before the deadline date, and received in time for submission to the independent review group. (Applicants are cautioned to request a legible U.S. Postal Service postmark or to use express mail or certified or registered mail and obtain a legibly dated mailing receipt from the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Applications submitted by other means. Applications submitted by any means except mailing first class through the U.S. Postal Service shall be considered as meeting the deadline only if they are physically received before close of business on or before the deadline date.

Late applications. Applications which do not meet the above criteria will be considered late applications, and will not be considered in the current competition.

(Catalog of Federal Domestic Assistance Program Number 13.612 Native American Programs)

Dated: April 26, 1982.

A. David Lester,

Commissioner, Administration for Native Americans.

Approved: May 18, 1982.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

[FR Doc. 82-14080 Filed 5-21-82; 8:45 am]

BILLING CODE 4130-01-M

Administration for Native Americans Program Announcement 13612-828

AGENCY: Office of Human Development Services, HHS.

SUBJECT: Announcement of Available Fiscal Year 1982 Financial Assistance for Native American Projects.

SUMMARY: The Administration for Native Americans announces that applications are being accepted for financial assistance under Section 803 of the Native American Programs Act of 1974, Pub. L. 93-644, as amended. Regulations covering this program are published in the Code of Federal Regulations in 45 CFR Part 1336.

DATES: The closing date for receipt of all applications is July 23, 1982.

Program Purpose

The purpose of the Administration for Native Americans (ANA) is to promote social and economic self-sufficiency of American Indians, Alaskan Natives and Native Hawaiians through financial assistance, training and technical assistance, and research, demonstration, and evaluation activities as authorized by the Native American Programs Act. The concept of self-sufficiency is defined by ANA as follows:

Self-sufficiency is the level of development and degree of ability in which a Native American community can provide for the needs of community members and pursue its own social and economic goals.

- Responsibility for achieving self-sufficiency rests with the governing bodies of Indian tribes and in the leadership of Native American groups.
- Development of self-sufficiency entails economic progress, together with establishment or improvement of social systems which protect and enhance the health and welfare of individuals, families and communities.

- Achievement of self-sufficiency is based on the community's ability to plan, organize and direct resources to meet community needs and goals.

The Administration for Native Americans bases its program and policy initiatives on the following three program goals:

(1) To develop or strengthen tribal governments and Native American institutions and local leadership to assure local control and decision making over all resources.

(2) To foster the development of stable, diversified local economies and economic activities which provide jobs, promote economic well-being, and reduce dependency on social services.

(3) To support local access to, and coordination of, services and programs which safeguard the health and well-being of people, and which are essential to a thriving and self-sufficient community.

Program Goal and Objectives

The goal of this program announcement is to provide financial assistance to Indian groups for community applied research to clarify their status as Indians and as tribes within their States and/or with the Federal government. Under the Social and Economic Development Strategies (SEDS), it is a program objective of ANA to support the efforts of Indian groups to clarify their legal status as Indians and as tribes in relation to the Federal and/or State government.

The principal method presently being utilized by Indian groups for status clarification is the Federal Acknowledgement Project (FAP).

However, there are other strategies available, some perhaps more appropriate, to determine the legal and sociological status of Indian groups; for example, designation under the Indian Reorganization Act as a half blood community or State recognition.

FAP guidelines provide a framework within which such research can best be accomplished.

Applications for projects should indicate that the proposed project will achieve or is capable of achieving the following objectives:

- The employment of an academic and/or legal professional(s) to undertake or assist in the community specific research necessary for status clarification.
- The completion of certain defined interrelated phases of the research necessary for an Indian group to clarify its status.
- The development of a plan for completion of community specific research for status clarification remaining at the end of the project period.

Project Consideration

The applicant is *strongly* encouraged to have an academic or legal professional involved at the beginning of the development of the application to ensure that appropriate research procedures are included in the development of project objectives.

ANA is interested in funding projects to Indian groups who have indicated a strong commitment to actively mobilize other resources. (financial, academic, human) to participate in a status clarification project.

Applicants must identify by source and amount other Federal and non-Federal resources available to the applicant for status clarification and indicate how these resources will be coordinated to accomplish the proposed project.

The applicant must not utilize ANA funds for costs to recruit researchers. ANA grants funds should be expended directly for the research initiative.

Contact Person

Applicants who wish further clarification or explanation of this announcement should call Lucille Dawson, Administration for Native Americans (202) 245-7714.

Applicants may also call or write the following two organizations for clarification or assistance in developing their application:

Native American Research Institute (NARI), 1026 Westdale Road, Lawrence, Kansas 66044, (800) 255-6317 (Toll-Free), Ms. Kathryn Staiano; Mr. James Wherry.
National Indian Luthern Board (NILB), American Indian Tribal Government and Policy Consultants, Inc., 1803 Carlisle, NE., Albuquerque, New Mexico 87110, (505) 266-0615, Charles Blackwell.

NARI and NILB are ANA grantees, funded for the purpose of mobilizing academic and financial resources for Indian groups for status clarification research.

Eligible Applicants

Any non-recognized or terminated tribe which is incorporated as a non-profit organization, residing on or near their reservation, former reservation or traditional homeland is eligible to apply for financial assistance under this program announcement.

ANA is interested in funding Indian groups which believe they should be acknowledged as an Indian tribe under the Federal Acknowledgement Project or believe they have a right to other status recognition such as designation under the Indian Reorganization Act, State recognition or other legal designation.

Available Funds

The Administration for Native Americans expects to award \$250,000 in Fiscal Year 1982 for new projects under this program announcement. It is anticipated that up to 10 grant awards will be made, ranging between \$20,000 to \$25,000 per grant. The budget period for each grant award will be 17 months. The project period for each grant will be 17 months.

Grantee Share of Project

Grantees must provide up to 20 percent of the approved cost of the project. Grantee contributions may be in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment, and services. The contributions must be project related and must be allowable under the Department's applicable cost principle published in 45 CFR Part 74, Subparts G and Q.

Under certain circumstances, some or all of the non-Federal share of the project may be waived by ANA. Further explanation is contained in § 1336.52 of ANA's Regulations, which will be provided in the application kit.

The Application Process

Availability of application forms. In order to be considered for a grant under this program announcement, an application must be submitted on the forms supplied and in the manner prescribed by ANA. An application kit containing the necessary forms may be obtained from:

Administration for Native Americans, Department of Health and Human Services, Room 5300, North Building, 330 Independence Avenue, SW., Washington, D.C. 20201, Ms. Janice B. Phalen, (202) 245-7730, Attention: No. 13612-828.

Application submission: One signed original and the appropriate number of copies of the grant application, including all attachments, must be submitted to the address specified in the application kit.

The application must be signed by an individual authorized to act for the applicant agency and to assume for the agency the obligations imposed by the terms and conditions of the grant award, including Native American Programs Rules and Regulations.

A-95 notification process. In compliance with the Department of Health and Human Services, implementation of the Office of Management and Budget Circular No. A-95 Revised (procedures at 41 FR 2052, January 13, 1976), Applicants who request grant support must prior to submission of an application, notify both the State and Area-wide Clearinghouses of the intent to apply for Federal Assistance. Some State and Area-wide Clearinghouses provide their own forms for the notification and others use the facesheet (SF-424) of the application form. Applicants should contact the appropriate Clearinghouses (listed at 42 FR 2210, January 10, 1977)

for information on how they can meet the A-95 requirements.

Application consideration. The Commissioner, ANA, determines the final action to be taken with respect to each grant application for this program. Applications which do not conform to this announcement or are not complete will not be accepted for review and applicants will be notified in writing accordingly. Applications which are complete and conform to the requirements of this program announcement are subjected to a competitive review and evaluation by qualified persons independent of the Administration for Native Americans. The results of the review assist the Commissioner in consideration of competing applications. The Commissioner's consideration also takes into account the comments of the A-95 Clearinghouse, the ANA staff, and other interested parties. The Commissioner makes grant awards consistent with the purpose of the Act, the regulations, and the program announcement within the limits of funds available.

After the Commissioner has reached a decision either to disapprove or to fund a competing grant application, unsuccessful applicants are notified of the decision in writing. Successful applicants are notified through the issuance of a Notice of Financial Assistance Awarded which sets forth in writing to the recipient the amount of funds awarded, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the budget period for which support is given and the amount of recipient participation. It also specifies the total project period for which support is contemplated.

Criteria for Review and Evaluation

Competing grant applications will be reviewed and evaluated against the following criteria:

(1) That the application evidences involvement and participation by an academic or legal professional and that the identity of the author of the application is included with a statement on his or her future connection with the project objectives, if a grant is awarded. (10 points)

(2) That there are letters or material from the academic and/or legal community indicating support for the project objectives, commitment of other academic resources (e.g., university students for additional research, access to resource material, academic review and critique of research), and/or additional descriptive material on the

historical and sociological aspects of the tribal community. (10 points)

(3) That the applicant provides a clear description of why it believes it has a right to status designation either through the Federal Acknowledgment Project criteria or through other status designation criteria. (20 points)

(4) That the description of the project objectives, especially the articulation of the actual research objective, is capable of achieving the specific program objectives defined in this announcement. (20 points)

(5) That the proposed procedures (activities) of the work program, if well executed, will achieve the intended results. (10 points)

(6) That the estimated cost to the government is reasonable considering the anticipated results. (10 points)

(7) That project personnel are or will be well qualified, and that the applicant has or will have adequate facilities and resources. (10 points)

(8) That the applicant has indicated how all present resources will be coordinated with this project and how new resources will be mobilized in the future. (10 points)

Closing Date for Receipt of Applications

The closing date for receipt of all applications under this program announcement is July 23, 1982.

Mailed applications. Applications mailed through the U.S. Postal Service shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date or,

2. Sent by first class mail, postmarked on or before the deadline date, and received in time for submission to the independent review group. (Applicants are cautioned to request a legible U.S. Postal Service postmark or to use express mail or certified or registered mail and obtain a legibly dated mailing receipt from the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Applications submitted by other means. Applications submitted by any means except mailing first class through the U.S. Postal Service shall be considered as meeting the deadline only if they are physically received before close of business on or before the deadline date.

Late applications. Applications which do not meet these criteria are considered late applications and will not be considered in the current competition.

(Catalog of Federal Domestic Assistance Program Number 13.612 Native American Programs)

Dated: April 29, 1982.

A. David Lester,
Commissioner, Administration for Native Americans.

Approved: May 18, 1982.

Dorcas R. Hardy,
Assistant Secretary for Human Development Services.

[FR Doc. 82-14081 Filed 5-21-82; 8:45 am]

BILLING CODE 4130-01-M

Administration for Native Americans Program Announcement 13612-829

AGENCY: Office of Human Development Services, HHS.

SUBJECT: Announcement of Availability of Fiscal Years 1982 and 1983 Financial Assistance for Native American projects.

SUMMARY: The Administration for Native Americans announces that applications are being accepted for financial assistance under Section 803 of the Native American Programs Act of 1974, Pub. L. 93-644 as amended. Regulations covering this program are published in the Code of Federal Regulations in 45 CFR Part 1336.

DATE: Closing date for receipt of all applications under this program announcement is July 23, 1982.

Program Purpose

The purpose of the Administration for Native Americans (ANA) is to promote social and economic self-sufficiency of American Indians, Alaskan Natives and Native Hawaiians through financial assistance, training and technical assistance and research, demonstration, and evaluation activities as authorized by the Native American Programs Act. The concept of self-sufficiency is defined by ANA as follows:

Self-sufficiency is the level of development and degree of ability in which a Native American community can provide for the needs of community members and pursue its own social and economic goals.

- Responsibility for achieving self-sufficiency rests with the governing bodies of Indian tribes and in the leadership of Native American groups.

- Development of self-sufficiency entails economic progress, together with establishment or improvement of social systems which protect and enhance the health and well-being of individuals, families and communities.

- Achievement of self-sufficiency is based on the community's ability to plan, organize and direct resources to meet community needs and goals.

In order to accomplish its mission, ANA has established three broad program goals as follows:

(1) To develop or strengthen tribal and/or community institutions and Native American leadership to assure local control and decision-making over all resources.

(2) To foster development of stable, diversified local economies and economic activities which provide jobs, promote economic well-being and reduce dependency on social services.

(3) To support efforts to develop local access to and coordination of projects and services which are necessary to achieve *balanced* social and economic development, which safeguard the health and well-being of Native American people, and which are essential to a thriving self-sufficient community.

The overall strategy followed by ANA in the accomplishment of these goals is centered on supporting tribal governments and other Native American organizations in the development and implementation of community-based, long-term social and economic development strategies (SEDS) aimed at promoting the self-sufficiency of their own communities. This strategy is based on two fundamental principles:

(1) That the local community and its leadership are responsible for determining their own needs, setting priorities, planning and implementing programs aimed at satisfying those needs; the unique mix of socio-economic, political and cultural factors operating in each community make this a necessity; only the local community is in a position to apply its own cultural values, and weigh the trade-offs in deciding on various strategies and programs which invariably have socio-cultural as well as economic consequences.

(2) That economic and social development are inter-related, and that development in one area should be balanced with development in the other, in order to enhance self-sufficiency. Without a careful balance of the two, serious dislocations may result that can jeopardize all of a community's development efforts. It is now an accepted premise that an expansion of social services, without a concomitant strengthening of incentives for employment and economic development, will invariably lead to greater dependency; conversely, inadequate social services can seriously impede efforts aimed at increased productivity and economic development.

The fundamental task which Native American communities face is that of building an enduring social and

economic foundation in keeping with local needs, resources and cultural values. This goal is impeded by underdevelopment or inaccessibility of human, natural and financial resources at all levels of the public and private sector—as these resources relate to Native American needs. Social and economic problems are characterized by:

- Inadequate development of tribal governments, community institutions and Native American leadership to assume the roles they must play in controlling and directing development toward social and economic self-sufficiency;

- Inaccessible, fragmented and uncoordinated services at all levels of government—tribal, state and federal—resulting in a social service base for Native Americans which is insufficient to support and advance economic development;

- Non-existent or infrequent linkages with the private sector economy and social service systems; and,

- Undeveloped or underdeveloped local economies so lacking in diversification that they cannot provide the jobs, the economic stability or the foundation for economic progress which would increase individual productivity and reduce dependence on welfare services.

Background

Many Native American communities are characterized by high unemployment, low income and economic stagnation which impede economic and social progress. As a result, Native Americans rank at or near the bottom of virtually every measure of economic and social well-being, and have done so for generations. Native Americans have the highest incidence of poverty, the most unemployment, the least schooling and the poorest health when compared to other Americans. While numerous Federal efforts have been made to address these conditions, their focus in the past has generally been on the direct provision of services and income maintenance. All too often, the effect of this approach has been to increase the community's dependence on public sector assistance.

ANA recognizes that lasting social improvement can only be realized when a community has a stable economic base from which to provide support to its members. The philosophy that economic development is a prerequisite to social well being is not new. However, efforts to encourage economic development have not always been implemented in a manner which enhances social well being in the locale

in which economic investments have been made. In many cases large corporations have made short-term investments in reservation communities, often to develop a natural resource. This activity may lead to higher income and employment on the reservation in the short term. However, when the resource is depleted, it becomes apparent that the community has not realized any long-term gains. Development of a continuing, self-sustaining reservation economy has not taken place.

Another factor which has inhibited the establishment of diversified local economies for many Native American communities has been the emphasis on job creation for its own sake. Many Native American communities which participated extensively in Federal jobs programs have found that, as a consequence, community employment is disproportionately reliant upon public sector financing. This approach effectively limits both the level and impact of the employment created. Future efforts to encourage community development should be concerned with establishing diversified economies through which private sector investment is a significant source of job creation.

Program Goal and Objective

The goal of this program announcement is to assist Indian tribes and Native American organizations to plan, develop and operate financial institutions to encourage and invest in the business and economic development of Native American communities.

Federal programs for Native American communities generally have not focused on establishing a resource base for community investment and development. At present, many Native American communities do not have sufficient capital or incentives to encourage business development and promote community growth.

As part of ANA's strategy to promote the creation of diversified economies which enhance community social and economic well-being and reduce individual and community dependency on social services, the financial institutions developed under this announcement are expected to provide capital investments for community enterprise and to provide technical and managerial assistance to those enterprises which they capitalize. The institutions may be tribal, regional or national in scope.

The development of such financial institutions is intended to help promote economic diversity both in types of enterprise and ownership and control. A wide range of financial entities may be

established under this program announcement, including, but not limited to:

- Development Funds or Banks.
- Business and Industrial Development Companies.
- Rural Loan Funds.
- Urban Development Corporations.
- Revolving Loan Funds.
- Community Credit Corporations.
- Venture Capital Funds.

In order to achieve the program objectives above, applicants must demonstrate their ability to establish financial institutions which can gain access to capital markets and leverage public and private assets for the creation of enterprises which promote social and economic self-sufficiency. Enterprises supported by these financial institutions may be of various types, including, but not limited to:

- Individual businesses (partnerships, sole proprietorships and corporations).
- Tribal Enterprises.
- Redevelopment, Community Revitalization or Economic Development projects.
- Local Development Companies.
- Community Development Corporations.

Successful applicants will establish financial institutions which will invest in enterprises which improve the community's economic infrastructure, attract private investments, create permanent jobs, and encourage economic self-sufficiency. Successful applicants will plan to engage in projects that will produce economic growth consistent with the balanced social and economic development strategies of the communities served. Since the economic base of Native American communities varies greatly, it is anticipated that financial institutions which are established under this program will invest in a variety of enterprises, including manufacturing, commercial, construction, farming, retail and service businesses. The scope of business activity of these enterprises does not have to be limited to the geographic confines of the community. Thus, a tribal enterprise might be located on or off the reservation and may conduct its business beyond the reservation boundaries. This program is not intended to result in the establishment of financial institutions whose primary activity is the provision of consumer credit.

The applicant must address the following:

- The nature, scope and causes of capital constraints in the communities to be served by the proposed institution,

and that the activities of the proposed institution relate to the overall social and economic development of those communities.

- The type of financial institution proposed, the method proposed to capitalize its operations and a plan for capitalization of the "fund".

Since ANA support can only be for startup and initial operating expenses, ANA funds may not be used to capitalize the loan or investment fund. Therefore, the applicant must develop a specific plan for capitalization of the "fund." Capital sources can include tribal, public, and private sector resources but the applicant should capitalize at least 50% of the proposed financial institution from private and/or tribal resources.

- The role and involvement of local banks and private industry.

Proposed method of administration, including:

- A program design which briefly describes the business and ownership types to be supported; anticipated methods of financing, including minimum and maximum levels of financing; acceptable use of proceeds; terms and conditions of financing; types of required collateral.

- The method of delivery and source of support services to the enterprises such as technical assistance, management services and training.

- How the institution will meet licensure and regulatory requirements of State and Federal government agencies.

- Proposed method of recapitalization.

Contact Person

Applicants who wish further clarification of this announcement may call Ms. Caryl Holiber, ANA, Washington, D.C. (202) 245-7727.

Notice of Meeting

ANA will hold a meeting June 14, 1982 in Washington, D.C. to discuss the objectives of the program announcement. Those who wish to attend should call Jan Phalen, ANA, (202) 245-7730 for time and place of the meeting.

Eligible Applicants

The following are eligible to apply for a grant award under this announcement:

- Indian tribes and tribal consortia.
- Alaskan Native villages and regional corporations established by the Alaska Native Claims Settlement Act.
- Non-profit Native Hawaiian organizations.
- Non-profit Indian organizations, urban, rural, regional or national in scope.

Available Funds

ANA expects to award \$1 million in Fiscal Years 1982 and 1983 for new projects under this announcement. It is anticipated that 5-7 grant awards will be made. The project period may be up to 3 years. The initial budget period will be 15 months. Refunding after the first budget period will depend on availability of funds, the grantee's satisfactory progress, compliance with the Native American Programs Regulations and the submission of a quality application which must include:

- An operational plan which indicates the institution's lending policies, loan or investment servicing procedures and plan for recapitalization.

- A financial projection which indicates estimated income and expenses for three years, cash flow projections showing paid in capital, capital mix, loss ratios, reserves and cumulative cash flow.

- Pro forma balance sheets for the institution.

Grantee Share of Project

Grantees must provide up to 20% of the total approved cost of the project. Grantee contributions may be in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment, and services. The contribution must be allowable under the Department's applicable regulations in 45 CFR Part 74, Subparts G and Q and must be project related. Applicants are encouraged to provide a cash contribution as the non-Federal share.

Under certain circumstances, some or all of the non-Federal share of the project may be waived by ANA. Further explanation is contained in § 1336.52 of ANA's regulations which will be provided in the application kit.

The Application Process

Availability of application forms. In order to be considered for a grant under this program announcement, an application must be submitted on the forms supplied and in the manner prescribed by ANA. Clarification and/or explanation on the grant application process as well as an application kit containing the necessary forms may be obtained from: Department of Health and Human Services, Administration for Native Americans, Room 5300, North Building, 330 Independence Avenue, SW., Washington, D.C. 20201, Ms. Janice B. Phalen, (202) 245-7730, Attention: No. 13612-829.

Application submission: One signed original and the appropriate number of copies of the grant application, including all attachments, must be submitted to

the address specified in the application kit.

The application shall be signed by an individual authorized to act for the applicant agency and to assume for the agency the obligations imposed by the terms and conditions of the grant award, including Native American Programs Rules and Regulations.

A-95 notification process. In compliance with the Department of Health and Human Services' implementation of the Office of Management and Budget Circular No. A-95 Revised (procedures at 41 FR 2052, January 13, 1976), applicants with the exception of Federally recognized tribes, who request grant support must, prior to submission of an application, notify both the State and Areawide Clearinghouses of the intent to apply for Federal financial assistance. Some State and Areawide Clearinghouses provide their own forms for the notification and others use the facesheet (SF-424) of the application form. Applicants should contact the appropriate Clearinghouses (listed at 42 FR 2210, January 10, 1977) for information on how they can meet the A-95 requirements.

Application consideration. The Commissioner determines the final action to be taken with respect to each grant application for this program. Applications which do not conform to this announcement or are not complete will not be accepted for review and applicants will be notified in writing accordingly. Applications which are complete and conform to the requirements of this program announcement are subjected to a competitive review and evaluation by qualified persons. The results of the review assist the Commissioner in the consideration of competing applications. The Commissioner's consideration also takes into account the comments of the A-95 Clearinghouse, ANA staff, and other interested parties. The Commissioner makes grant awards consistent with the purpose of the Act, the regulations, and the program announcement within the limits of funds available.

After the Commissioner has reached a decision either to disapprove or to fund a competing grant application, unsuccessful applicants are notified of the decision in writing. Successful applicants are notified through the issuance of a Notice of Financial Assistance Award which sets forth in writing to the recipient the amount of funds awarded, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the budget period for which support is given and the amount of recipient

participation. It also specifies the total project period for which support is contemplated.

Criteria For Review and Evaluation

Competing grant applications will be reviewed and evaluated against the following criteria: (100 points)

1. The overall application is consistent with the ANA program objectives as described in this program announcement. (5 points)
2. The applicant demonstrates the need for a financial institution by indicating the nature, scope and cause of capital constraints in the communities to be served and how the proposed financial institution will address those constraints. (10 points)
3. The proposed activities are well-defined and, if well executed, will achieve the intended results. If technical assistance is needed, a plan is provided which indicates the type, amount, source and cost of technical assistance to be obtained. (10 points)
4. The applicant demonstrates that the activities of the proposed financial institution are consistent with the social and economic development strategies of the communities to be served. (10 points)
5. The applicant adequately describes the type of financial institution proposed, including: (20 points)
 - a. The business and ownership types to be supported; anticipated methods of financing, including minimum and maximum levels of financing; acceptable uses of proceeds; anticipated terms and conditions of financing; and anticipated types of required collateral.
 - b. Anticipated method of delivery and source of support services to the enterprises, such as technical assistance, management services and training.
 - c. How the institution will meet licensure and regulatory requirements of State and Federal agencies.
6. The applicant has an acceptable plan for capitalization of the loan/investment fund. The role and involvement of local banks and private industry is explained and letters of interest from potential investors are included in the application. The proposed method of recapitalization is addressed. (20 points)
7. Proposed personnel and consultants are qualified as demonstrated by resumes and/or position descriptions. Experience should include development and/or operation of financial institutions, including commercial lending, loan packaging, delivery of business services, investments and banking. (20 points)

8. The proposed budget is fully justified and costs are reasonable to the Federal government. (5 points)

Closing Date For Receipt of Application

The closing date for receipt of all applications under this program announcement is July 23, 1982.

Mailed applications. Applications mailed through the U.S. Postal Service shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date; or,
2. Sent by first class mail, postmarked on or before the deadline date, and received in time for submission to the independent review group. (Applicants are cautioned to request a legible U.S. Postal Service postmark or to use express mail or certified or registered mail and obtain a legibly dated mailing receipt from the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Applications submitted by other means. Applications submitted by any means except mailing first class through the U.S. Postal Service shall be considered as meeting the deadline only if they are physically received before close of business on or before the deadline date.

Late applications. Applications which do not meet these criteria are considered late applications and will not be considered in the current competition.

(Catalog of Federal Domestic Assistance Program Number 13.612 Native American Programs)

Dated: April 26, 1982.

A. David Lester,
Commissioner, Administration for Native Americans.

Approved: May 18, 1982.

Dorcas R. Hardy,
Assistant Secretary for Human Development Services.

[FR Doc. 82-14062 Filed 5-21-82; 8:45 am]
BILLING CODE 4130-01-M

Office of the Secretary

Statement of Organization, Functions, and Delegations of Authority

Part A Chapter AHP (Office of Personnel) of the Statement of Organization, Functions and Delegations of Authority (45 FR 72290, October 31, 1980) is amended to change the name of the Committee Management Staff to the Division of Committee Management and to redescribe the functions of the office. Beginning at Section AHPEI, substitute the following paragraph:

The Division of Committee Management formulates and oversees the implementation of Department-wide policies, regulations, and procedures governing the establishment, management, continuation or termination of all HHS Federal advisory committees and the appointment of members thereto. Provides technical advice and assistance to OPDIV and STAFFDIV staff and to Committee Management Officers with respect to committee rosters and reports required by statute or requested by the Secretary, the Congress, General Services Administration, and the Office of Management and Budget. Serves as liaison with other Federal agencies, the Congress or other outside organizations on advisory committee matters. Insures that the provisions of section 552 of Title 5, United States Code, and other applicable regulations are carried out with respect to the reports, records and other papers of advisory committees of the Department.

Dated: May 14, 1982.

Richard S. Schweiker,
Secretary.

[FR Doc. 82-14079 Filed 5-21-82; 8:45 am]
BILLING CODE 4150-04-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Gulf of Mexico Outer Continental Shelf Oil and Gas Leasing; Amendment to the Notice of Intent To Prepare a Regional Environmental Impact Statement for the Gulf of Mexico

In the June 8, 1981, issue of the *Federal Register* (Vol. 46, No. 109), there was a Notice of Intent by the Bureau of Land Management to prepare a regional environmental impact statement (EIS) for the Gulf of Mexico. The notice identified the proposed major Federal action in the regional EIS as the sale of leases for all Gulf of Mexico (GOM) sale areas included on the 5-Year OCS Oil and Gas Leasing Schedule. The notice did not identify the specific proposed lease sales involved.

The purpose of this amendment to the above mentioned Notice of Intent is to clarify specifically which lease sales will be included in the regional EIS.

The regional EIS will discuss the total development of oil and gas resources in the Gulf of Mexico which could occur as a result of all the lease sales included on the 5-Year OCS Oil and Gas Leasing Schedule. The regional EIS will also specifically address Sales 72, 74, and 79.

The proposed action in the regional EIS will be to offer for sale all unleased

blocks within the Central Gulf of Mexico OCS planning area (Sale 72), the Western Gulf of Mexico OCS planning area (Sale 74), and the Eastern Gulf of Mexico OCS planning area (Sale 79). In addition to the proposed action, alternatives may include delay of the sale, no action, and modification of the proposal by deletion of certain blocks for specific reasons, such as biological, national security, etc.

The scoping process has been and will continue to be carried out in the manner noted in the June 8, 1981, Notice of Intent.

Further information about this regional EIS, or comments on the issues to be addressed therein, should be brought to the attention of Mr. Jack Holt, Regional EIS Coordinator, Environmental Assessment Division, New Orleans OCS Office, Suite 841, 500 Camp Street, Hale Boggs Federal Building, New Orleans, Louisiana 70130, telephone 504-589-0541.

Dated: May 12, 1982.

James M. Parker,
Acting Director, Bureau of Land Management.
[FR Doc. 82-14040 Filed 5-21-82; 8:45 am]
BILLING CODE 4310-84-M

Southern California Outer Continental Shelf Oil and Gas; Intent To Prepare an Environmental Impact Statement for Proposed OCS Oil and Gas Lease Sale No. 80

Pursuant to § 1501.7 of the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act of 1969, the Bureau of Land Management's Pacific Outer Continental Shelf Office is announcing its intent to prepare an Environmental Impact Statement (EIS) on the offshore oil and gas leasing proposal known as OCS Sale No. 80. This proposed sale is tentatively scheduled for January 1984.

A call for Nominations and Comments will soon be issued and will announce that the entire Southern California OCS Planning Area as described in the March 19, 1982 *Federal Register* (47 FR 54), pages 11980 through 11985, will be available for consideration for leasing. Following public response to the Call for Nominations and Comments, the Department of the Interior will identify the area proposed for leasing. The EIS analysis will focus on the area having oil and gas potential and analyze the potential environmental effects of leasing in this identified area. Possible alternatives to be considered in the environmental impact statement include options to modify, delay, or withdraw the proposed lease offering. The EIS will

also include an environmental description of the entire planning area in order to provide the best available information for decisionmaking.

This announcement is being made at this time in order to take full advantage of the scoping process and to determine which issues will be treated in the EIS. The scoping process for this action will include a mailing to interested parties of a pamphlet that identifies significant issues. Scoping meetings will be conducted if responses to this mailing indicate that there is a need to further discuss possible issues and alternatives to be addressed in the EIS.

Questions concerning this proposed action and the environmental impact statement should be addressed to John Lane, Chief, Environmental Assessment Division, Pacific Outer Continental Shelf Office, 1340 W. Sixth Street, Los Angeles, California 90017, telephone (213) 688-6714.

Dated: May 12, 1982.

James M. Parker,
Acting Director, Bureau of Land Management.
[FR Doc. 82-14041 Filed 5-21-82; 8:45 am]
BILLING CODE 4310-84-M

[Serial No. I-04218]

Idaho; Partial Termination of Proposed Withdrawal and Reservation of Lands

May 17, 1982.

Notice of an application, serial number I-04218, for withdrawal and reservation of lands was published as *Federal Register* Document No. 57-9773 on page 9437 of the issue for November 26, 1957. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2091, such land will be at 7:45 a.m., on June 22, 1982, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

Clearwater National Forest

Boise Meridian

- T. 34 N., R. 6 E., B.M., Idaho,
Sec. 1, lots 1, 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 12, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 13, W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, (Lewis & Clark Camp and Corner Camp);
Sec. 14, E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, (Lewis & Clark Camp and Corner Camp);
Sec. 22, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, (Cedar Grove Campground);
Sec. 27, NW $\frac{1}{4}$ SE $\frac{1}{4}$, (Fan Creek Campground).
T. 35 N., R. 6 E., B.M., Idaho,
Sec. 10, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, (Dutchman Campground);

- Sec. 20, W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ S
E $\frac{1}{2}$ SW $\frac{1}{4}$; (Dodge Campground);
Sec. 25, E $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 36, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$.
T. 35 N., R. 7 E., B.M., Idaho,
Sec. 17, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ MW $\frac{1}{4}$,
N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 18, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 19, lot 4, NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 30, lots 1,2,3, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 36 N., R. 6 E., B.M., Idaho,
Sec. 33, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ (Snowy
Summit Campground).

A strip of land 200 feet on each side of Lolo Trail Road No. 500.1 constructed through the following subdivision:

- T. 34 N., R. 6 E., B.M., Idaho,
Sec. 13, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ N
W $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 14, W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ S
E $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$,
SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 17, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 18, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 21, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 22, NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 23, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 26, W $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 27, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$,
S $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 34 N., R. 7 E., B.M., Idaho,
Sec. 5, lots 1,2,3, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$,
W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 6, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$,
SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 7, lots 1,2,3, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$,
W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.

A strip of land 200 feet on each side of Lolo-Weitas Road no. 103.2 constructed through the following subdivision:

- T. 35 N., R. 6 E., B.M., Idaho,
Sec. 1, SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$,
S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 11, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$,
W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ S
E $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 12, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$,
N $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 35 N., R. 7 E., B.M., Idaho,
Sec. 4, lot 3;
Sec. 5, N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 6, lot 7, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$,
SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$,
SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 7, lot 1.
T. 36 N., R. 7 E., B.M., Idaho,
Sec. 33, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$,
W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$,
S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

These areas aggregate 2,459.39 acres in Clearwater and Idaho Counties, Idaho.

Eugene E. Babin,

Acting Chief, Lands Section.

[FR Doc. 82-14102 Filed 5-21-82; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Getty Oil Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Getty Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 4494, Block 25, Chandeleur Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: May 14, 1982.

Lowell G. Hammons,
Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-14105 Filed 5-21-82; 8:45 am]

BILLING CODE 4310-31-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the

Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is Ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-FC-79776. By decision of May 7, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to R. F. Westbury of Sandston, VA of Permit No. MC-149034 (Sub-No. 2) issued to Vernon R. Hodge, DBA Dixie Transportation Aide of Richmond, VA authorizing: operations as a contract carrier transporting (1) chimney assemblies, doors, wall sections, and insulation and (2) materials, supplies, and equipment used in the manufacture of the commodities in (1) between the facilities of General Products Company, Inc., at Fredericksburg, VA, on the one

hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with General Products Company, Inc., of Fredericksburg, VA. Representative: R. F. Westbury, P.O. Box 498, Miller Rd., Sandston, VA 23150. TA lease is not sought. Transferee is a carrier.

MC-FC-79792. By decision of May 10, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to George A. Wise, dba. GAW Freight Lines, of Nagales, AZ of Certificate No. MC-118397 issued to A. George Wise dba Wise Truck Line, of Nagales, AZ, authorizing: *Frozen vegetables*, From Oakland, CA., to Phoenix, AZ; From points in Los Angeles County, CA., to El Paso, TX, *Bananas*, From El Paso, TX, to Los Angeles, CA., From Long Beach Harbor, CA., to Tucson and Phoenix, AZ; From Nagales, AZ., to Los Angeles, San Diego, and San Francisco, CA. Representative: Andrew W. Baylor, 337 East Elm St., Phoenix, Az 85012. TA lease is not sought. Transferee is not a carrier.

MC-FC-79797. By decision of May 7, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to Milwaukee Terminal Services, Inc. of Certificate No. MC-54444 (Sub-No. 8) issued July 11, 1978 to Main Express & Storage Co. authorizing the transportation over irregular routes of *such merchandise as is dealt in by retail radio and electric equipment stores*, from the facilities of Main Express & Storage Co., at Milwaukee, WI to points in WI. Restriction: the authority created is restricted to the transportation or terms destined to points in WI. Representative: John L. Bruemmer, P.O. Box 927, Madison, WI 53701.

MC-FC-79748. By decision of May 7, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to OFF TRANSPORTATION of Certificate MC-145431 issued to DANS TRUCKING & LEASING, INC. authorizing the transportation of General Commodities (except household goods and classes A & B explosives) between Detroit, MI on the one hand, and, on the other, points in the United States. Representative: Andrew Halin, 22375 Hagerty Rd., P.O. Box 400, Northville, MI 48167. Transferee is not a sought.

MC-FC-79795. By decision of May 10, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the

transfer to C. L. Lingen Felter of Certificate No. MC-123914 (Sub-No. 4) issued November 13, 1981 to W.C. Kline, Inc. authorizing transportation of *ores and minerals* between points in Porhege, Geansga Lake, Cuyamoga and Trimbull Counties, OH, on the one hand, and, on the other, points in Blair County, PA subject to the following conditions: deletion of paragraph 9 of contract providing that the operating rights are unique and not otherwise obtainable, and informing Commission of deletion. Representative: Thomas M. Mulroy, Esq., 1500 Bank Tower, 307 Forth Avenue, Pittsburgh, PA 15222.

MC-FC-79796. By decision of May 11, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to Over-land Transportation, Inc., of Boise, ID, of certificate No. MC-143570 (Subs-4, 19, 20, 22X, 23) issued to D&G Trucking, Inc., of Meridian, ID, authorizing: *heating and air conditioning equipment, office supplies and equipment, food, scrap, building materials, chemicals, construction materials, and other named commodities*, between described points in ID, OR, WA, AZ, CO, UT, CA, MT, NV, WY, KS, MD, NM, OK, TX. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. TA lease is sought. Transferee is not a carrier. Agatha L. Mergenovich, Secretary.

[FR Doc. 82-14025 Filed 5-21-82; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers, Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 L.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register.

Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC-F-14853, filed May 3, 1982.
ANDERSON & WEBB TRUCKING CO., INC. (Anderson) (P.O. Box 1523, 770 W. Lebanon, Mt. Airy, NC 27030-1523)—LEASE—CAL-TEX, INC., (Cal-Tex) (P.O. Box 1678, Costa Mesa, CA 92626). Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW, Washington, DC 20005. Anderson seeks authority to lease the operating rights of Cal-Tex. William L. Anderson and Dennis W. Moody, Jr., equal stockholders of Anderson, seek authority to acquire control of said rights through the lease. Cal-Tex holds contract carrier authority under Permit Nos. MC-141097, which generally authorize the transportation of (1) *textiles and related products*, between numerous specified points under continuing contract(s) with Pharr Yarns, Inc.; A.M. Smyre Manufacturing Company; and Allied Chemical Corporation; (2) *textiles and chemicals*, between points in the U.S., under continuing contract(s) with Badische Corporation; and (3) general commodities, between points in the U.S., under continuing contract(s) with E. I. DuPont de Nemours & Co., Inc. Cal-Tex also holds common carrier authority under Certificate Nos. MC-146041, which generally authorize the transportation of *chemicals, ceramic tile, containers, textile mill products, plastic articles, and printed matter*, between various specified points on the one hand, and, on the other, points in the U.S. Anderson is authorized to operate as a common carrier pursuant to authority issued in MC-144715 and subs thereunder. Condition: Authorization and approval of this lease will be limited to a one-year period.

Note.—TA has been filed.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-14026 Filed 5-21-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 257]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: May 17, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any

application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

CANADIAN CARRIER APPLICANTS:
In the event an application to transport property, filed by a Canadian domiciled motor carrier, is unopposed, it will be reopened on the Commission's own motion for receipt of additional evidence and further consideration in light of the record developed in Ex Parte No. MC 157, *Investigation Into Canadian Law and Policy Regarding Applications of American Motor Carriers For Canadian Operating Authority*.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Shaffer, Ewing, and Williams.

Agatha L. Mergenovich,
Secretary.

MC 139457 (Sub-34)X, filed May 6, 1982. Applicant: G. L. SKIDMORE d.b.a. JELLY SKIDMORE TRUCKING CO., P.O. Box 38, Paris, TX 75460. Representative: Paul D. Angenend, P.O. Box 2207, 1806 Rio Grande, Austin, TX 78768. Sub-No. 28F permit, broaden: (1) canned foodstuffs to "food and related products", and (2) to between points in the United States, under continuing contract(s) with Owatonna Canning Company, of Owatonna, MN.

MC 144858 (Sub-49)X, filed May 5, 1982. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, AR 72219. Representative: Scott E. Daniel (same as applicant). MC 118431 (Sub-Nos. 4, 5, 7, 15, 19, and 27F) permits: (1) broaden to "food and related products" from frozen foods, Subs 4, 5, 7, 15 and 27; (2) remove exception of named commodities and commodities in bulk, from materials, supplies, and ingredients used in the

food processing industry, Sub 19 and (3) broaden to "between points in the United States," under continuing contract(s) with a named shipper, all subs.

MC 146992 (Sub-12)X, filed May 7, 1982. Applicant: PHIL-MART TRANSPORTATION, INC., P.O. Box 126, Braselton, GA 30517. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Sub 8X certificate: broaden to: "such commodities as are used by and dealt in by restaurants, hotels, food business houses, grocery and department stores" from (1) foodstuffs, cleaning, scouring and washing compounds, napkins, tablecloths, dishes, cups, trays, and eating utensils, and (2) foodstuffs, cleaning and scouring compounds, napkins, tablecloths, dishes, cups, trays, and silverware.

MC 151027 (Sub-3)X, filed May 3, 1982, previously noticed in the Federal Register of May 12, 1982, republished as follows: Applicant: GRADY J. MITCHELL, d.b.a. MITCHELL TRUCKING COMPANY, P.O. Box 616, Dobson, NC 27017. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave., N.W., Washington, DC 20005. Sub 2 certificate: remove the "originating at or destined to facilities of a shipping association and its members" restriction in general commodity authority radially between points in DE, NJ, NY and PA and points in CA, NV, and TX. The purpose of this republication is to correct the territorial description.

[FR Doc. 82-14029 Filed 5-21-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 7]

Motor Carriers; Applications, Alternate Route Deviations, and Intrastate Applications.

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State

Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket A82-01041, filed January 10, 1982. Applicant: PHILIP S. BROWN d.b.a. PHILIP S. BROWN TRUCKING CO., 42641 Fontainebleau, Fremont, CA 94538. Representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, CA 94111. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities, except the following: (a) Used household goods and personal effects not packed in accordance with the crated property requirements; (b) livestock; (c) liquids, compressed gasses, commodities in semiplastic form and commodities in suspension in liquids, in bulk, in tank trucks, tank trailers, tank semi-trailers, or a combination of such highway vehicles; (d) commodities when transported in bulk in dump trucks or in hopper-type trucks; (e) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (f) logs; (g) articles of extraordinary value; (h) automobiles, trucks, busses, trailer coaches and campers. Between all points and places in the counties of San Francisco, Alameda, Contra Costa, San Mateo and Santa Clara, California. In performing the service, applicant may make use of any and all streets, roads, highways and bridges necessary or convenient for the performances of such service. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the Public Utilities Commission, State of California, State Bldg., Civic Center, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-10020, filed April 27, 1982. Applicant: D.I.J. MESSENGER d.b.a. A & G MESSENGER, 210-12 Northern Blvd., Bayside, NY 11301. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General Commodities in Messenger Service*. Between all points in a territory comprised of Nassau, Suffolk and Westchester Counties and the City of New York. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation,

1220 Washington Ave., State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

By the Commission,
Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-14031 Filed 5-21-82; 9:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-172

The following applications were filed in Region I: Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 161619 (Sub-1-1TA), filed May 6, 1982. Applicant: ACCA TRUCKING,

INC., 194 East Kinney Street, Newark, NJ 07105. Representative: Peter Wolff, 722 Pittston Avenue, Scranton, PA 18505. *Furniture, Office Supplies and Lighting Fixtures (except household goods)* between Newark, NJ, on the one hand, and, on the other, points in CT, DE, DC, MD, NY, PA and VA. Supporting shipper: Stacor Corporation, 285 Emmet Street, Newark, NJ 07114.

MC 161678 (Sub-1-1TA), filed May 11, 1982. Applicant: CAPE TRANSIT CORP., 5501 Ocean Avenue, Wildwood Crest, NJ 08160. Representative: Andrew J. Carraway, Suite 1301, 1600 Wilson Boulevard, Arlington, VA 22209. *Passengers and their baggage* between points in Cape May County, NJ, on the one hand, and, on the other, points in the U.S. (including AK but excluding HI), supporting shipper(s): There are 15 statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 115676 (Sub-1-1TA), filed May 12, 1982. Applicant: CONWAY'S BUS SERVICE, INC., 3220 Mendon Road, Cumberland, RI 02864. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *Passengers and their baggage, in special and charter operations*, beginning and ending at points in CT, MA and RI and extending to points in the U.S. (except AK and HI). Supporting shipper(s): Pawtucket Travel Agency, 1 Broad Street, Pawtucket, RI; Gaulin Travel Service, Marquette Plaza, Woonsocket, RI; Royal Travelers Association, 356 Providence Street, Woonsocket, RI 02895; Globetrotters, Inc., 116 Mt. Auburn Rd., Cambridge, MA 02138.

MC 161647 (Sub-1-1TA), filed May 11, 1982. Applicant: CORE, LTD., 336 State Street, North Haven, CT 06473. Representative: John E. Fay, 663 Maple Avenue, Hartford, CT 06114. *Contract carrier: irregular routes: Beverages, empty beverage containers and ingredients used in the manufacture of soft drinks* under continuing contract(s) with Pepsi Cola Bottling Co. of Hartford/Springfield/New Haven, Inc., Windsor, CT, between Windsor, CT, on the one hand, and, on the other, points in MA, NH, NJ, PA, and RI. Supporting shipper: Pepsi Cola Bottling Co. of Hartford/Springfield/New Haven, Inc., 1050 Kennedy Road, Windsor, CT 06095.

MC 146026 (Sub-1-9TA), filed May 5, 1982. Applicant: CROSS COUNTRY FARMING CO., INC., P.O. Box 134, Pine Island, NY 10969. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. (1) *Paper and paper products*, and (2) *materials, equipment, and supplies used in the*

manufacture and sale of the commodities name in (1) above, between the facilities of The Chesapeake Corporation of Virginia, its subsidiaries, divisions, affiliates, and vendors at points in the US (except AK and HI), on the one hand, and, on the other, points in the US (except AK and HI). Supporting shipper: The Chesapeake Corporation of Virginia, King William Ave., West Point, VA 23181.

MC 161331 (Sub-1-1TA), filed May 12, 1982. Applicant: FULMONT TRANSIT & CHARTER SERVICE, INC., 11 Church Street, Gloversville, NY 12078. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Contract carrier:* irregular routes: *Passengers and their baggage in charter operations* between points in Schenectady, Albany, Fulton, Montgomery, Saratoga, Rensselaer, Warren, Oneida, Onondaga, Hamilton, Herkimer, and Greene Counties, NY, on the one hand, and, on the other, points in the U.S. (except HI), under continuing contract(s) with Fulmont Tours & Travel, Inc., of Gloversville, NY. Supporting shipper: Fulmont Tours & Travel, Inc., 11 Church St., Gloversville, NY 12078.

MC 161967 (Sub-1-1TA), filed May 12, 1982. Applicant: WILLIAM G. MAYNARD, d.b.a. GREAT NECK TRUCKING, 107 Great Neck Trucking, Wareham, MA 02571. Representative: William G. Maynard (same as applicant). *Lumber and other commodities usually sold by building supply houses, but limited to shipments of 10,000 board feet or less. Shipments to be transported on a motor vehicle of 50,000 pounds gross weight or less;* between points in Barnstable, Plymouth and Bristol Counties, MA, on the one hand, and, on the other, points in New Haven, New London, and Hartford, CT; Providence, Pawtucket, Phillipsdale, and Newport, RI; Salem, and Manchester, NH, Pastow, VT. Supporting shipper(s): North Carver Pine Corp., Box 143, Plymouth Street, Carver, MA 02355; Grossman Division of Evans Products, Inc., 200 Union Street, Braintree, MA 02184.

MC 155937 (Sub-1-3TA), filed May 10, 1982. Applicant: INTERNATIONAL BUS SERVICES, INC., 262 Monitor Street, Brooklyn, NY 11222. Representative: Samuel B. Zinder, P.C., 98 Cutter Mill Road, Great Neck, NY 11021. *Contract carrier:* irregular routes: *Passengers and their baggage* between the Galaxy Towers Condominium, Guttenberg, NJ, and New York, NY, under continuing contract(s) with The Galaxy Towers Condominium, Guttenberg, NJ. Supporting shipper: The Galaxy Towers

Condominium Association, 7000 Boulevard East, Guttenberg, NJ 07093.

MC 161963 (Sub-1-1TA), filed May 12, 1982. Applicant: JO-LIN HAULING & INDUSTRIAL SERVICES, INC., 1601 W. Edgar Road, Linden, NJ 07036. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *General commodities, (except household goods, hazardous materials, and commodities in bulk) having a prior or subsequent movement by water* between New York, NY Commercial Zone, on the one hand, and on the other, Commercial Zones of Baltimore, MD, Boston, MA, Cleveland, OH, and Philadelphia, PA. Supporting shipper(s): A.J. Fritz, Inc., 100 Church Street, New York, NY; Cape Line Limited, 90 West Street, New York, NY; Amerford International, Inc., 170 Broadway, New York, NY; Unimodal, Inc., 104 Harbor Drive, Jersey City, NJ 07305.

MC 161905 (Sub-1-1TA), filed May 10, 1982. Applicant: KETCHAM TRUCKING, INC., 5 Ketcham Avenue, St. James, NY 11780. Representative: Jack L. Schiller, 123-80 83rd Avenue, Kew Gardens, NY 11415. *Contract carrier:* irregular routes: *Gasoline and diesel fuel* between Linden, NJ, on the one hand, and, on the other, points in Suffolk County beyond the New York, NY Commercial Zone, under continuing contract(s) with Rally Oil Co., Inc., Melville, NY. Supporting shipper: Rally Oil Co., Inc., 150 Broad Hollow Road, Melville, NY 11749.

MC 145338 (Sub-1-1TA), filed May 7, 1982. Applicant: MEDICAL EMERGENCY TRANSPORTATION CORPORATION, d.b.a. METCOR, Essex County Airport, 125 Passaic Avenue, Fairfield, NJ 07006. Representative: Charles Ephraim, 406 World Center Building, 918 16th Street, N.W., Washington, DC 20006. *Medical and scientific equipment, materials and supplies, (1) From Buffalo, NY to points in NY and PA, and (2) From Newark, NJ, to points in PA, NJ, NY, CT, MA, RI, DE, MD, VA, and DC.* Supporting shipper: Mallinckrodt, Incorporated, 2703 Wagner Place, Maryland Heights, MO 63043.

MC 119788 (Sub-1-1TA), filed May 10, 1982. Applicant: SINGER INTERSTATE CARRIERS, INC., 17 Passaic Avenue, Hawthorne, NJ 07506. Representative: Edward L. Nehez, 7 Becker Farm Road, P.O. Box Y, Roseland, NJ 07068. *Contract carrier:* irregular routes: *Piece goods, and materials and supplies (except commodities in bulk) used in the dyeing, finishing or distribution of piece goods,* between Beacon, NY, on the one hand, and, on the other, points in the New York, NY Commercial Zone and Suffolk

County, NY, under continuing contract(s) with Beacon Textiles Printers, Ltd., Beacon, NY. Supporting shipper: Beacon Textiles Printers Ltd., New and Front Streets, Beacon, NY 12508.

MC 161952 (Sub-1-1TA), filed May 12, 1982. Applicant: UTILITY PROPANE COMPANY, One Elizabethtown Plaza, Elizabeth, NJ 07207. Representative: Eric Meierhoefer, Joseph L. Steinfeld, Jr., Suite 1000, 1029 Vermont Avenue, N.W., Washington, DC 20005. *Liquefied natural petroleum gases, bulk heating oil, and diesel fuel* between points in NJ, on the one hand, and, on the other, points in MA, NH, VT, RI, CT, ME, NY, PA, and DE. Supporting shipper(s): New Jersey Natural Gas Co., 601 Bangs Avenue, Asbury Park, NJ 07712; Public Service Electric and Gas Company, 80 Park Pl., P.O. Box 570, Newark, NJ 07101; South Jersey Gas Company, Number One South Jersey Plaza, Folsom, NJ 08037.

MC 158898 (Sub-1-1TA), filed May 5, 1982. Applicant: R. WALSH TRANSPORTATION LIMITED, P.O. Box 368, Haileybury, Ontario, CD P0J 1K0. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara Street, Buffalo, NY 14202. *Passengers and their baggage, in the same vehicle with passengers, in round-trip charter and special operations, in sightseeing and pleasure tours, beginning and ending at ports of entry on the International Boundary line between the U.S. and CD in MI, and extending to points in CT, DC, MA, NC, NH, NY, PA, RI, SC, TN, VT, VA, and WV, and return.* Supporting shipper: Tri-Trans Services, Ltd., Main & Whitney Streets, Haileybury, Ontario, CD.

The following applications were filed in Region 4. Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 140942 (Sub-4-3TA), filed May 10, 1982. Applicant: CLOVERDALE TRANSPORTATION COMPANY, Box 578, Mandan, ND 58554. Representative: Charles E. Johnson, Box 2056, Bismarck, ND 58502. *Contract:* irregular, (1) *Lumber, plywood, particle board and building materials* between points in ID, MT, OR, WA, CA, CO, WY, ND, SD, NB, MN, WI, IL, IA and MI, under contract with Viking Forest Products, a subsidiary of American International Forest Products, Portland, OR. (2) *Building materials and steel buildings, knocked-down,* between points in the U.S. in and west of MI, IN, KY, TN and MS (except AK and HI) under contract with Corscadden Steel Corporation, Glasgow, MT 59230. (3) *Building*

materials and knocked-down steel buildings and parts and accessories therefor, from points in the U.S. in and west of MI, IN, KY, TN and MS to points in ND, SD, MT, WY and MN under contract with Scherle Sales, Inc., Bismarck, ND. *ETA seeks 120 authority.* Supporting shipper: Emmer Bros, 6800 France Ave S. Minneapolis, MN 55435. Carscadden Steel Corporation, Box 532, Glasgow, MT 59230, and Viking Forest Products, a subsidiary of American International Forest Products, Portland, OR.

MC 145481 (Sub-4-10TA), filed May 10, 1982. Applicant: HOOSIER TRANSPORTATION SYSTEM, INC., 501 Sam Ralston Road, Lebanon, IN 46052. Representative: Steven K. Kuhlmann, Suite 2600, Petro-Lewis Tower, 717 17th Street, Denver, CO 80202. *Contract carrier, irregular routes: Furniture and fixtures, and such commodities as are dealt in by home furnishing and appliance stores, between points in CA, on the one hand, and, on the other, points in GA, IL, IN, NJ and TX, restricted to a transportation service to be performed under contract(s) with Tatung Company of America, Inc. of Long Beach, CA. Supporting shipper: Tatung Company of America, Inc., 2850 El Presidio St., Long Beach, CA 90810.*

MC 146630 (Sub-4-2TA), filed May 10, 1982. Applicant: SAWDUST SIERRA, INC., 2996 Timber Lane, Verona, WI 53593. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705-0086, 808-238-3119. *Contract; irregular route: Such commodities as are dealt in or used by a producer of brick and masonry products from points in AL, IA, IL, IN, KS, MI, MN, MS, ND, NE, OH, OK, and TN to all points in WI under continuing contract(s) with Wisconsin Brick & Block Corp., of Madison, WI. An underlying ETA seeks 120 day authority. Supporting shipper: Wisconsin Brick & Block Corp., 2840 University Avenue, Madison, Wisconsin 53705.*

MC 148335 (Sub-4-1TA), filed May 10, 1982. Applicant: RAIL FLITE TRANSPORTATION, INC., 7718 Stevens Road, Darien, IL 60559. Representative: Alex J. Miller, 555 S. Woodward Avenue, Suite 512, Birmingham, MI 48011. *Contract irregular general commodities (except Classes A and B explosives, household goods and commodities in bulk) between points in IA, NE, MO, IL, KS, MN, SD, WI, MI, IN, and OH, under continuing contract with Alliance Shippers, Inc. Supporting shipper: Alliance Shippers, Inc., 8440 Archer Avenue, Willow Springs, IL, 40480.*

MC 150103 (Sub-4-17TA), filed May 7, 1982. Applicant: SCHWEIGER INDUSTRIES, INC., 116 West Washington Street, Jefferson, WI 53549. Representative: Michael J. Wyngaard, 150 E. Gilman Street, Madison, WI 53703. *Pulp, paper and related products, expanded cellular products, and packaging materials between IL, IN, KY, MN, and WI, on the one hand, and, on the other, IL, MD, NJ, OH, and PA. There are 14 supporting shippers.*

MC 161420 (Sub-4-1TA), filed May 6, 1982. Applicant: AL STOVER, d.b.a. AL STOVER TRUCKING, Box 204, Webster, SD 57274. Representative: Thomas J. Simmons, Box 480, Sioux Falls, SD 57101. *Contract, irregular; beer and malt beverages, between points in Brown, Day, and Codington counties, SD on the one hand, and, on the other, La Crosse, and Milwaukee, WI, Longview, TX, Memphis, TN, St. Louis, MO, and Minneapolis/St. Paul, MN, under contract with P. Monzel Company, Webster, SD. An underlying ETA seeks 120 days. Supporting shipper: P. Monzel Company, Webster, SD 57274.*

MC 161838 (Sub-4-1TA), filed May 4, 1982. Applicant: LOCKE TRUCKING CO., 410 Library Lane, Streamwood, IL 60103. Representative: James R. Madler, 120 W. Madison Street, Chicago, IL 60602. *General commodities (except commodities in bulk, household goods, and Classes A and B explosives) between Chicago, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI). Restricted to shipments between Chicago, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Streamline Shippers, Baltimore, MD.*

MC 161887 (Sub-4-1TA), filed May 10, 1982. Applicant: RALPH E. LOWERY, d.b.a. REL TRUCKING, 5817 S. Dock Street, Rt. 2, Newaygo, MI 49337. Representative: D. Richard Black, Jr., 285 James Street, P.O. Box 638C, Holland, MI 49423. *Contract irregular: such commodities, materials, supplies and equipment as are dealt with and used by manufacturers and distributors of food products between the facilities of Bil-Mar Foods, Inc., in Zeeland, MI on the one hand and on the other points in IN, IL, MO, OK, TX under continuing contract(s) with Bil-Mar Foods, Inc. of Zeeland, MI. An underlying ETA seeks 120 days authority. Supporting shipper: Bil-Mar Foods, Inc., 8300 96th Avenue, Zeeland, MI 49464.*

MC 161906 (Sub-4-1TA), filed May 10, 1982. Applicant: MATT KOCIAN, d.b.a. KOCIAN SUPPLY CO., 911 Forest Home, Francis Creek, WI 54214. Representative: Richard A. Westley,

Attorney, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705-0086. *Liquid fertilizer, in bulk, in tank vehicles from all points in IL to all points in WI. An underlying ETA seeks 120 days authority. Supporting shippers: (1) Land O' Lakes, Inc., P.O. Box 1355, Minneapolis, MN 55440; (2) Mid Lakes FS Cooperative, 600 Forest Home Drive, Francis Creek, WI 54214.*

MC 161907 (Sub-4-1TA), filed May 10, 1982. Applicant: HELD BEEF INDUSTRIES, T.C. INC., Stockyards Road, West Fargo, ND 58078. Representative: Kyle Heidenreich (Same as above). *Contract irregular: Transporting meats, meat products and meat bi-products, dairy products, articles distributed by meat-packinghouses, and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers, under continuing contract with Held Beef Industries, Inc. of West Fargo, North Dakota, between points in ND, MN, WI, IL, MI, IN, OH, TN, SD, NB, KS, OK, TX, AR, MO, CO, IA. Supporting shipper: Held Beef Industries, Inc., Stockyards Road, West Fargo, North Dakota 58078.*

MC 161908 (Sub-4-1TA), filed May 10, 1982. Applicant: MICHAEL A. PONTO, d.b.a. PONTO TRANSPORTATION, 571 Julius Drive, Appleton, WI 54911. Representative: William F. Mix, 21 A Muzzey Street, Lexington, MA 02173. *Contract irregular: Clothing, in boxes, and materials, equipment and supplies used in the sale, distribution, and manufacture thereof (except A and B explosives) between Appleton, WI, on the one hand, and on the other, Griffin and LaGrange, GA; Martinsville, VA; Dallas, TX; Chattanooga and Dayton, TN; Hartford, CT and Los Angeles, CA. Restricted to traffic moving under continuing contract with Downers Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Downers Inc., 2425 West Packard, Appleton, WI 54911.*

MC 15735 (Sub-4-15TA), filed May 6, 1982. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Household goods between points in the U.S. (except AK and HI) under a continuing contract with Dravo Corporation. Supporting shipper: Dravo Corporation, Pittsburgh, PA 15222.*

MC 51146 (Sub-4-61TA), filed May 13, 1982. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Charles W. Singer, P.O. Box 2545, Green

Bay, WI 54306. *Contract irregular; General commodities* (except household goods as defined by the Commission, commodities in bulk and Classes A and B explosives), between points in the U.S., under contract with The Mead Corporation, and its subsidiaries and affiliates. Supporting shipper: The Mead Corporation, Courthouse Plaza, N.E., Dayton, OH 45463.

MC 128837 (Sub-4-25TA), filed May 11, 1982. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62626. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Food and related products and materials, equipment and supplies (except bulk), used in the manufacture, sale and distribution of such products*, between the facilities of Heinz USA, Division of H. J. Heinz Company at Fremont and Toledo, OH, Holland, MI, Pittsburgh, PA, Muscatine, IA and Iowa City, IA on the one hand, and, on the other, points in AL, AR, FL, GA, KS, LA, OK, MS, TN, TX and WI. Supporting shipper: Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230.

MC 129790 (Sub-4-4TA), filed May 12, 1982. Applicant: JOSEPH A. BECKER, d.b.a. BECKER HI-WAY FRATE, Route 5, Box 10B, Albert Lee, MN 56007. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. *Contract; irregular; canned food products* from Janesville and Jackson, WI and Rochester, MN to ND, SD, NE, MN, IA, WI, KS, MO, IL, MI, IN, AR, KY, TN, MS, AL, GA, and LA. Supporting shipper: Seneca Foods Corporation, 418 East Condi Street, P.O. Box 1587, Janesville, WI 5354701587.

MC 146143 (Sub-4-1), filed May 11, 1982. Applicant: JOHNNIE R. JOHNSON and BETTY J. RODGERS, d.b.a. B&J TRUCKING, R.R. #3, Cisne, IL 62823. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Roofing materials*, from Memphis, TN to points in IL and IN. An underlying E/T/A seeks 120 days authority. Supporting shipper: Southern Wholesale Lumber Co., 600 So. 1st St., Fairfield, IL 62837, and The Celotex Corporation, a wholly-owned subsidiary of the Jim Walters Corporation, 1500 North Dale Mabry Highway, Tampa, FL 33607.

MC 155302 (Sub-4-2TA), filed May 13, 1982. Applicant: MACH FARMS, INC., 1020 South Superior St., Antigo, WI 54409. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract; irregular; chemicals and related products* between points in AR, CT, GA, IL, IN, LA, MI, MN, MS, NC, NY, OK, TX and VT, on the one hand,

and, on the other hand, points in WI. Restriction: restricted to transportation performed under continuing contract(s) with Commerce Industrial Chemical, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Commerce Industrial Chemical, Inc., 5611 West Woolworth Avenue, Milwaukee, WI 53218.

MC 157134 (Sub-4-1TA), filed May 13, 1982. Applicant: SUPER CARRIER COMPANY, INC., 3250 South Pulaski, Chicago, IL 60623. Representative: Albert A. Andrin, 180 North La Salle St., Chicago, IL 60601. *General commodities* (except Classes A and B explosives, commodities in bulk and household goods), between the facilities of Capitol Freight Systems, Ltd. and its affiliates, at points in the US, on the one hand, and, on the other, points in the US. Supporting shipper: Capitol Freight Systems, Ltd., 1238 N. Kostner, Chicago, IL.

MC 158417 (Sub-4-2TA), filed May 13, 1982. Applicant: BADGER STATE WESTERN, INC., Route 1, Box 204, Owen, WI 54460. Representative: Michael J. Collins, Collins, Beatty & Krekeler, SC, P.O. Box 1042, Madison, WI 53701. *Contract, irregular; Paper and related articles* from Menasha, WI to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, WY. Restricted to traffic moving under continuing contract(s) with Sacs Foods, Inc. Supporting shipper: Central Paper Co., a division of Alco Standard Corporation, 741 4th Street, Box 330, Menasha, WI 54952.

MC 160348 (Sub-4-1), filed May 13, 1982. Applicant: ORCHARD TRANSPORT, LTD., P.O. Box 130, 226 1st St. West, Delisle, Saskatchewan, Canada S0P 0P0. Representative: John B. Van de North, Jr., Briggs and Morgan, 2200 First National Bank Building, St. Paul, MN 55101, (612) 291-1215. *Potash*, between the ports of entry on the international boundary line between the U.S. and Canada in ND, on the one hand, and, on the other, points in MN, ND, SD, WI, IA, NE and MT. Supporting shipper: Cominco American, Inc., West 818 Riverside Avenue, Spokane, WA 99201.

MC 160604 (Sub-4-1TA), filed May 11, 1982. Applicant: CASTLE LEASING, INC., R.R. 4, Box 157, New Castle, IN 47362. Representative: Andrew K. Light, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract, irregular; Plastic products*, between Richmond, IN, on the one hand, and, on the other, points in the U.S. (except AK and HI) under continuing contracts(s) with Product Components, Inc., Richmond, IN. An underlying ETA seeks 120 days of operating authority.

Supporting shipper: Product Components, Inc., P.O. Box 967, Richmond, IN 47374.

MC 161615 (Sub-4-2TA), filed May 13, 1982. Applicant: SONN LINE TRANSPORT CO., INC., 4320 North 126th St., Brookfield, WI 53005. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203. (1) *Chemicals and related products and petroleum based products* from the facilities of Forrer Chemical Co., Inc., at Milwaukee, WI, to Lawrence, MA, Trenton, NJ, Jessup, MD, Atlanta, GA, Orlando, FL, Houston, TX, and Phoenix, AZ; and (2) *such commodities as are dealt in or used by a manufacturer or distributor of chemicals and related products and petroleum based products* from points in the Chicago, IL, Commercial Zone and Wood River, IL, to Milwaukee, WI. An underlying ETA seeks 120 days authority. Supporting shipper: Forrer Chemical Co., Inc., 7221 West Parkland Court, Milwaukee, WI 53223.

MC 161970 (Sub-4-1TA), filed May 12, 1982. Applicant: LARRY'S CARTAGE CO., INC., P.O. Box 2009, Bridgeview, IL 60455. Representative: Larry D. Denton, 7667 W. 95th St., Hickory Hills, IL 60457. *General commodities* (except Classes A and B explosives, commodities in bulk requiring special equipment and household goods), having prior or subsequent movement by rail or water, between Chicago, IL and its Commercial Zone, on the one hand, and, on the other, points in IL, IN, MI, OH, WI, IA, and MO. Supporting shippers: Midwest Customs Service, P.O. Box 83, Schiller Park, IL 60176, Hansen & Tidemann, Inc., 2720 River Road, Des Plaines, IL 60018.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 94227 (Sub-5-1TA), filed May 12, 1982. Applicant: BALLEW TRUCKING COMPANY, INC., P.O. Box 715, Gainesville, TX 76240. Representative: J. Michael Alexander, 5801 Marvin D. Love Freeway, #301, Dallas, TX 75237-2385. *Asphalt, in bulk, in tank vehicles*, from Jefferson County, TX, to Chaves County, NM. Supporting shipper(s): Gulf States Asphalt Company, 535 Dresser Tower, 601 Jefferson, Houston, TX 77002.

MC 99464 (Sub-5-1TA), filed May 13, 1982. Applicant: IVAN W. WERNER and WILLIAM B. DOUGLAS, d.b.a. PAWNEE TRANSFER, P.O. Box 227, Pawnee City, NE 68420. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Common, regular. *General commodities, (except household goods,*

commodities in bulk, and Classes A and B explosives), between Pawnee City, NE and Falls City, NE, from Pawnee City over NE Hwy 50 to Junction NE Hwy 4, then over Junction U.S. Hwy 73, then over U.S. Hwy 73 to Falls City, NE, and return over the same route, serving the off-route Pts. of Peru, Brownville, Salem, and Rulo, NE.

Note.—Applicant intends to tack and interline 15 supporting shippers.

MC 128075 (Sub-5-4TA), filed May 14, 1982. Applicant: JOHNSRUD TRANSPORT, INC., 5301 N.E. 17th Street, Des Moines, IA 50313. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Contract: Irregular. *Commodities used in the manufacture of bakery goods from Chicago and Joliet, IL and Cedar Rapids, Keokuk and Fort Dodge, IA to North Sioux City, SD.* Supporting shipper: Interbake Foods, Inc., 900 Terminal Place, Box 27487, Richmond, VA 23261.

MC 144449 (Sub-5-5TA), filed May 14, 1982. Applicant: A & A CONTRACT CARRIERS, d.b.a. A & A MOVING & STORAGE CO., 2412 Blue Smoke Court South, Fort Worth, TX 76105. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Plastic and rubber products, pulp, paper and related products, packing materials, and such articles used in the manufacture, distribution and installation of such commodities, between points in the U.S. under continuing contract(s) with Sealed Air Corporation, Danbury CT.* Supporting shipper: Sealed Air Corporation, Old Sherman Turnpike, Danbury, CT 06810.

MC 144616 (Sub-4-12TA), filed May 13, 1982. Applicant: SOUTHWESTERN CARRIERS, INC., P.O. Box 79495, Saginaw, TX 76179. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair R, Fort Worth, TX 76112. (1) *Materials and machinery used in the manufacture, distribution and installation of banding, strapping, and wrapping machines, and (2) building materials, between points in the U.S. (except AK and HI).* Supporting shippers: Weld-Loc, Inc., 5985 Richards St., Jacksonville, FL; and William M. Wood Co., P.O. Box 33, Ortega Sta., Jacksonville, FL 32210.

MC 146729 (Sub-5-6TA), filed May 12, 1982. Applicant: JAMES S. HELWIG and ALLEN L. GRIMLAND, d.b.a. H & G LEASING, 4525 Irving Blvd., Dallas, TX 75247. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Electrical machinery, equipment and supplies (1) from points in CA to Houston, TX and (2) from Houston to points in GA, NJ, MN, FL, IL, WI, TN, IN*

and CA. Supporting shipper(s): Codep International, Inc., 1730 Stebbins, Houston, TX 77043.

MC 149199 (Sub-5-10TA), filed May 13, 1982. Applicant: FRONTIER EXPRESS, INCORPORATED, d.b.a. D & M TRANSPORTATION, 905 S.W. Second, Oklahoma City, OK 73109. Representative: G. Timothy Armstrong, P.O. Box 1124, El Reno, OK 73036. *General Commodities, (except Classes A and B explosives, household goods and commodities in bulk), between Oklahoma City, OK, on the one hand, and, on the other, points in Comanche and Caddo Counties, OK.* Applicant intends to tack the authority sought with its existing authority and proposes to interline with other motor carriers. Supporting shipper: There are 7 supporting shippers.

MC 150711 (Sub-5-3TA), filed May 13, 1982. Applicant: R.G.B. TRANSPORTATION COMPANY, INC., 6666 Gateway East, El Paso, TX 79935. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. *Foodstuffs between points in El Paso County, TX, on the one hand, and, on the other, points in CA, ID, OR and UT.* Supporting shippers: Emmett Foods, Inc., 3200 Durango Street, El Paso, TX; Hascom Frosted Foods, Inc., 2215 Myrtle, El Paso, TX; Valley Foods Co., 1515 E. Paisaco, El Paso, TX.

MC 151753 (Sub-5-6TA), filed May 12, 1982. Applicant: M.W. CYCLE HAULER, INC., 11909 Santa Fe Drive, Lenexa, KS 66215. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Plastic items and materials and supplies used in the manufacture of plastic items; fabricated metal products and equipment, materials and supplies used in the manufacture of fabricated metal products; janitorial supplies and cleaning compounds; paper products, printed materials and materials and supplies used in the printing business; building materials and related items and paper products, between Clay and Jackson Counties, MO and Johnson and Wyandotte Counties, KS, on the one hand, and, points and places in the U.S. (except AK and HI), on the other hand.* Supporting shippers: 6.

MC 152775 (Sub-5-6TA), filed May 12, 1982. Applicant: RAM ROD TRUCKING, INC., P.O. Box 1127, Marrero, LA 70073. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Contract irregular. *Building materials, between points in AL, AR, FL, LA, MS, TN, and TX, under continuing contract(s) with Associated Dealers Supply, P.O. Box 73226, Metairie, LA 70003.* Supporting shipper: Associated

Dealers Supply, P.O. Box 73226, Metairie, LA 70003.

MC 154488 (Sub-5-9TA), filed May 13, 1982. Applicant: LASLEY TRUCKING COMPANY, INC., P.O. Box 1368, Conway, AR 72032. Representative: John B. Fowlkes, Jr. (same address as applicant). *Lumber and Wood Products between points in AL, AR, FL, GA, LA, MS, MO, OK, TN and TX on the one hand and points in the U.S. (except AK and HI) on the other.* Supporting shipper: American International Forest Products, Inc., P.O. Box 4166, Portland, OR 97208; Anthony Forest Products, P.O. Box 1877, El Dorado, AR 71730; Curt Bean Lumber Co., P.O. Box 9, Amity, AR 71921.

MC 156158 (Sub-5-1TA), filed May 13, 1982. Applicant: PULLEY CONTRACT CARRIERS, INC., 405 S.E. 20th Street, Des Moines, IA 50317. Representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200-A, Park Ridge, IL 60068. Contract irregular. *Such commodities as are dealt in by business and office supply companies, from the facilities of United Stationers Supply Company (1) at Forest Park, IL and pts. in its commercial zone, to Des Moines, IA, Indianapolis, IN, Milwaukee, WI, Minneapolis, MN and St. Louis, MO, and pts. in their commercial zones, and (2) at Livonia, MI, and pts. in its commercial zone, to Cleveland, Cincinnati and Columbus, OH, and pts. in their commercial zones, under continuing contract(s) with United Stationers Supply Company of Maywood, IL.* Supporting shipper: United Stationers Supply Company, 1701 S. 1st Avenue, Maywood, IL 60153.

MC 159766 (Sub-5-1TA), filed May 14, 1982. Applicant: G & G DRAYAGE, INC., 22 Mill Race Dr., St. Peters, MO 63376. Representative: Robert L. Graves, Jr. (same as applicant). Contract irregular. (1) *Metal products, between St. Louis, MO, on the one hand, and, on the other, points in Franklin County, MO, under continuing contract with Maverick Tube Corp., St. Louis, MO; (2) Such commodities as are dealt in and used by manufacturers of printers ink, between points in the U.S. (except AK and HI), under continuing contract with Crown Zellerbach, Inc., St. Louis, MO.*

MC 160138 (Sub-5-2TA), filed May 12, 1982. Applicant: MARGARET L. STEWART, d.b.a. J. M. & F. HOTSHOT SERVICE, 3109 Chetwood, Del City, OK 73115. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. *Machinery, materials, equipment and supplies used in replacing, servicing and repairing machinery, equipment and supplies used in or in connection with the*

discovery, development, refining, manufacture, processing, storage and transmission of natural gas and petroleum and their products and by-products, in shipments not to exceed 18,000 pounds per shipment through utilization of single axle power units between Oklahoma County, OK on the one hand, and, on the other, points in AR, CO, KS, LA, NM, TX and WY. Supporting shippers: (1) Sovereign Supply Co., Oklahoma City, OK; (2) Red Beaver Box Co., Inc., Oklahoma City, OK; (3) Oilfield Specialty Distributors, Inc., Oklahoma City, OK; (4) Specialty Mfg., Inc., Oklahoma City, OK.

MC 160462 (Sub-5-1TA), filed May 14, 1982. Applicant: READI HOTSHOT, INC., Route #1, Roosevelt, OK 73564. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. Machinery, materials, equipment and supplies used in replacing, servicing and repairing machinery, equipment and supplies used in or in connection with the discovery, development, refining, manufacture, processing, storage, and transmission of natural gas and petroleum and their products and by-products in shipments not to exceed 14,000 pounds per shipment, through utilizations of single axle power units, between points in Beckham, Washita, Custer, Kiowa and Oklahoma Counties, OK on the one hand, and, on the other, points in AR, CO, KS, LA, NM, TX and WY. Supporting shippers: There are 7 supporting shippers.

MC 160572 (Sub-5-3TA), filed May 12, 1982. Applicant: APEX SERVICES, INC., 121 Bremen, St. Louis, MO 63147. Representative: Glen A. Coverdell (same as applicant). Contract irregular. General Commodities (except classes A & B explosives and HHG's) between points in the U.S. (except AK and HI) under continuing contract with ITOFCA, Inc., Downers Grove, IL.

MC 160734 (Sub-5-2TA), filed May 13, 1982. Applicant: STAR TRANSPORT CO., Route 1, Wentworth, MO 64873. Representative: Kenneth Raley (same as applicant). Liquid Asphalt, in bulk, in tank vehicles from Madison County, IL to points in MO. Supporting shipper: Midwest Asphalt Products Co., 4602 Pearl Ave., Joplin, MO 64801.

MC 161918 (Sub-5-1TA), filed May 14, 1982. Applicant: SOUTHWEST BEDDING COMPANY, INC., 2908 North Sixth Street, Fort Smith, AR 72904. Representative: George Spencer, 7 North Block, Fayetteville, AR 72701. Contract, Irregular: Steel Sofa Mechanisms and Wooden Household Furniture—Between points in the U.S., under continuing contract with Ethan Allen, Inc., Danbury, CT 06810. Supporting shipper:

Ethan Allen, Inc., Ethan Allen Drive, Danbury, CT 06810.

MC 161956 (Sub-5-1TA), filed May 12, 1982. Applicant: JOHN W. BIRDWELL, d.b.a. BIRDWELL TRUCKING, Gail Route, Box 280, Big Spring, TX 79720. Representative: Kenneth R. Hoffman, 1600 W. 38th Street, Suite 410, Austin, TX 78731. Plastic materials (other than expanded) from points in Howard County, TX to points in Webb County, TX (with subsequent movement into Mexico) and pts. in Sedgwick Co., KS. Supporting shipper: Cosden Oil & Chemical Company, Dallas, TX.

MC 161957 (Sub-5-1TA), filed May 12, 1982. Applicant: EXPRESS TRANSPORTATION CO., INC., P.O. Box 644, Rosenberg, TX 77471. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004. Floor coverings, materials and supplies used in the distribution and installation thereof between points in GA and PA on the one hand, and, on the other, points in TX. There are 12 shippers.

MC 161979 (Sub-5-1TA), filed May 13, 1982. Applicant: BEN C. WILLIAMS BAKERY SERVICE, INC., 6000 Denton Drive, Dallas, TX 75235. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. Such commodities as are dealt in and used by wholesale and retail bakeries from (a) Dallas, TX and (b) Hopkinsville, KY to points in TX, TN, NM, AL, AZ, AR, CO, GA, KS, KY, LA, MS, MO, OK and IL. Supporting shipper(s): Phillips Products Co., Inc., 1857 Calvin Drive, Hopkinsville, KY 42240; Mobil Chemical Company, Macedon, NY 14502; Bedford Industries, Inc., Box F—1659 Rowe Avenue, Worthington, MN 56187; Roush Products Co., Inc., Cedar Rapids, IA.

MC 161980 (Sub-5-1TA), filed May 13, 1982. Applicant: TERS, INC. d.b.a. TRANSPORT ELECTRIC, P.O. Box 2286, Hereford, TX 79045. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Meat and meat by-products between Hale, Parmer and Deaf Smith Counties, TX and points in CA, AZ, KS, MO and IA. Supporting shippers: Hereford By-Products, Inc., Hereford, TX.

MC 162005 (Sub-5-1TA), filed May 14, 1982. Applicant: MORRIS THOMPSON d.b.a. MORRIS THOMPSON TRUCKING, Box 43, Route #3, Tecumseh, OK 74873. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. Iron and steel brake drums, from Chattanooga, TN to the facilities of Kelsey Hayes Company located at or near Seminole, OK. Supporting shipper: Kelsey Axle & Brake

Division, Kelsey Hayes Company, 307 "A" Street, Seminole, OK.

MC 162006 (Sub-5-1TA), filed May 14, 1982. Applicant: T & M CONSTRUCTION CO., INC., Highway 33, Box 589, Watonga, OK 73772. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. Oil field commodities (except drilling rigs), between points in AR, LA, MS, TX and WY for the account of Petco Armstrong Fishing and Rental Tools. Supporting shipper: Petco Armstrong Fishing and Rental Tools, 3500 N. Cimarron Road, Oklahoma City, OK 73099.

MC 162006 (Sub-5-2TA), filed May 14, 1982. Applicant: T & M CONSTRUCTION CO., INC., Highway 33, Box 589, Watonga, OK 73772. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. Oil field production equipment, from the facilities of Sivals, Inc., at or near Brownwood, TX to points in AR, KS and OK. Supporting shipper: Sivals, Inc., 6020 State Highway 52, P.O. Box 19248, Oklahoma City, OK 73144.

MC 162006 (Sub-5-3TA), filed May 14, 1982. Applicant: T & M CONSTRUCTION CO., INC., Highway 33, Box 589, Watonga, OK 73772. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. Casing and drill pipe, from points in TX to points in OK for the account of GHK Gas Corporation. Supporting shipper: GHK Gas Corporation, P.O. Box 723, Elk City, OK 73648.

WC— (Sub— TA), filed May 12, 1982. Applicant: INLAND RIVER TRANSPORTATION CORPORATION, 10 South Brentwood Boulevard, St. Louis, MO 63105. Representative: Keith G. O'Brien, Esquire, 1729 H Street NW., Washington, D.C. 20006. Contract water carbon (graphite) electrodes, over all available waterways, between Pensacola, FL and Memphis, TN, under continuing contract(s) with Union Carbide Corp.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 161056 (Sub-6-2TA), filed May 12, 1982. Applicant: AMERICAN HIGHWAYS, INC., P.O.B. 194, Moreland, ID 83256. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. Contract Carrier, Irregular routes: Lumber and lumber mill products, between points in AZ, CA, CO, ID, KS, MT, NV, NM, ND, OR, SD, UT, WA and WY, for the account of Workmans Forest Products, Inc., for 270

days. An underlying ETA seeks 120 days authority. Supporting shipper: Workmans Forest Products, Inc., P.O.B. 361, Clackamas, OR 97015.

MC 134387 (Sub-6-32TA), filed May 11, 1982. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Michael J. O'Neill, 601 West 1700 South, Syracuse, UT 84041. (1) *Furniture, Fixtures* and, (2) *equipment, materials and supplies used in the manufacture and distribution of furniture, and fixtures between points in Los Angeles and Alameda Counties, CA on the one hand, and, on the other, points in ID, NV, UT, AZ, MT for 270 days, restricted to traffic originating at the facilities of Simmons, USA. Supporting shipper: Simmons, 1700 Fairway Ave., San Leandro, CA 94577.*

MC 161976 (Sub-6-1TA), filed May 12, 1982. Applicant: LORA DALLUM, d.b.a. DALLUM TRUCKING, 1020 W. 100th Place, Northglenn, CO 80221. Representative: Lora Dallum (same as above). *Contract Carrier, Irregular routes: Building Materials, from Bernalillo County, NM, and Park County, WY, to points in CO, for the account of Drywall Supply, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Drywall Supply, Inc., 60 Tejon St., Denver, CO 80223.*

MC 145102 (Sub-6-18TA), filed May 11, 1982. Applicant: FREY MILLER TRUCKING, INC., 1400 S. Union Ave., Bakersfield, CA 93307. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Food and related products between Cherokee County, SC and Cleveland, OH and points within the Cleveland, OH commercial zone, on the one hand, and, on the other, points in CA, UT, AZ, CO and Portland, OR, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Stouffer Foods Corporation, 5750 Harper Rd., Solon, OH 44139.*

MC 41098 (Sub-6-4TA), filed May 11, 1982. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. *Contract carrier, irregular routes, household goods, from Greenwich, CT and a radius of 100 miles to Denver, CO and a radius of 100 miles under continuing contracts with AMAX, Inc. for 270 days. Supporting shipper: AMAX, Inc., AMAX Center, Greenwich, CT 06836. An underlying ETA seeks 120 days.*

MC 41098 (Sub-6-5TA), filed May 12, 1982. Applicant: GLOBAL VAN LINES, INC. One Global Way, Anaheim, CA

92803. Representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. *Contract carrier, irregular routes, transporting household goods, between points in the U.S. under continuing contracts with Ex-Cell-O Corporation of Troy, MI, for 270 days. Supporting shipper: Ex-Cell-O Corporation, 2855 Coolidge Hwy., Troy, MI 48084.*

MC 161981 (Sub-6-1TA), filed May 12, 1982. Applicant: JERRY J. LE VASSEUR, d.b.a. LE VASSEUR MOUNTAIN EXPRESS, 16542 Cedar Heights Drive, Pioneer, CA 95666. Representative: Jerry J. Le Vasseur (same as applicant). *Lumber and Lumber Mill Products from points in OR and WA to points in San Francisco, San Mateo, Santa Clara, Solano, Alameda, Contra Costa, Marin and Monterey Counties in CA, for 270 days. An underlying ETA seeks 120 days. Supporting shipper: Beronio Lumber Company, 2525 Marin Street, San Francisco, CA 94124; Alamo Forest Products, P.O.B. 8040-a150, Walnut Creek, CA 94596.*

MC 34227 (Sub-6-6TA), filed May 12, 1982. Applicant: PACIFIC INLAND TRANSPORTATION COMPANY, 15910 E. Colfax Ave., Denver, CO 80011. Representative: Steven K. Kuhlmann, 717 17th St., Ste. 2600, Denver, CO 80202. *Such commodities as are dealt in by construction and home improvement centers (except commodities in bulk), and materials, equipment and supplies used in the manufacture and distribution of these commodities, between the facilities of Therma Tru, Div. of LST Corp., located at Toledo, OH, Colorado Springs, CO, and Van Buren, AR on the one hand, and, on the other, points in the U.S. (except AK and HI), for 270 days. Supporting shipper: Therma Tru, Division of LST Corp., 2806 N. Reynolds Rd., Toledo, OH 43615.*

MC 113271 (Sub-6-15TA), filed May 12, 1982. Applicant: TRANSYSTEMS INC., P.O.B. 399, Black Eagle, MT 59414. Representative: Kenneth G. Thomas (same as applicant). *Foodstuffs and related articles from Great Falls and Helena, MT to points in UT for 270 days. Supporting shipper: Waters Distributing Co., 1011 River Drive So., Great Falls, MT. An underlying ETA seeks 120 days authority.*

MC 161974 (Sub-6-1TA), filed May 12, 1982. Applicant: TRIDENT TRUCK LINE, INC., 23724 Saklan Rd., Hayward, CA 94545. Representative: Eugene Q. Carmody, 15523 Sedgeman St., San Leandro, CA 94579. *General commodities, except classes A and B explosives, household goods and commodities in bulk, for traffic having a prior or subsequent movement via rail*

or vessel moving in interstate or foreign commerce between points in Alameda, Contra Costa, Solano, San Mateo and San Francisco Counties, CA, on the one hand, and points in CA, in and north of Kern and San Luis Obispo Counties, CA, on the other, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Piggyback Consolidators, Inc., 15501 Heron Ave., La Mirada, CA 90628; Mitsui & Co. (U.S.A.) Inc., 101 California St. #3000, San Francisco, CA 94111; Pacific Gas & Electric Co., 77 Beale St., San Francisco, CA 94108.

MC 121793 (Sub-6-1TA), filed May 12, 1982. Applicant: JESSE EASLEY d.b.a. VAL VERDE CARTAGE, P.O.B. 302, Socorro, NM, 87801. Representative: James E. Snead, P.O.B. 2228, Santa Fe, NM, 87501. *General Commodities (excepting Class A and B explosives, household goods, commodities in bulk and commodities which because of size or weight require special equipment), between points and places in Cibola, Valencia, Catron Sierra, Grant, Hidalgo, Luna, Dona Ana, Otero, Socorro, and Lincoln, NM, an El Paso County, TX, for 270 days and underlying ETA seeks 120 day authority. Supporting shipper: There are 6 shippers. Their statements may be examined at the regional office listed.*

MC 161056 (Sub-6-3TA), filed May 14, 1982. Applicant: AMERICAN HIGHWAYS, INC., P.O.B. 194, Moreland, ID 83256. Representative: Timothy R. Stivers P.O.B. 1576, Boise, ID 83701. *Urea, from the facilities of Reichhold Chemicals, Inc. at or near Columbia City and St. Helens, OR to points in ID south of the southern boundary of Idaho County, for 270 days. An underlying ETA seeks 120 days. Supporting shipper(s): Reichhold Chemicals, Inc., P.O.B. 810, St. Helens, OR 97051.*

MC 161700 (Sub-6-1TA), filed May 14, 1982. Applicant: CANYON COUNTRY MEAT CO, 19114 Drycliff St., Canyon Country, CA 91351. Representative: Nicola R. Odio (same as applicant). *Food and other related products between points in CA, OR, WA and ID for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: C.H. Belt, Inc., 2151 Michelson, Suite 230, Irvine, CA 92715.*

MC 162021 (Sub-6-1TA), filed May 14, 1982. Applicant: TED A. FARNSWORTH and GRACE M. FARNSWORTH, d.b.a. FAR-West CO., P.O.B. 9091, Stockton, CA 95208. Representative: Milton W. Flack, 8484 Wilshire Blvd., #840, Beverly Hills, CA 90211. *Building and construction materials, supplies and equipment, and lumber and wood*

products, between Alameda, Amador, Sacramento, San Joaquin, Sutter, Shasta and Tulare Counties, CA, on the one hand, and, on the other, points in the U.S. (except AK and HI), for 270 days. Supporting shipper(s): There are 9 shippers. Their statements may be examined at the Regional Office listed above.

MC 145102 (Sub-6-19TA), filed May 14, 1982. Applicant: FREYMILLER TRUCKING, INC., 1400 S. Union Ave., Bakersfield, CA 93307. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Contract Irregular; Such commodities as are dealt in or used by manufacturers and distributors of building materials* (except commodities in bulk) between Medina and Westlake, OH, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OK, OR, TX, UT, WA, and WY under a continuing contract(s) with Donn Corporation for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: Donn Corporation, 1000 Crocker Rd., Westlake, OH 44145.

MC 136086 (Sub-6-4TA), filed May 17, 1982. Applicant: GUILLEY TRUCKING, INC., 8615 Pecan Ave., Fontana, CA 92335. Representative: Milton W. Flack, 8484 Wilshire Blvd., #840, Beverly Hills, CA 90211. *Metal products*, from the facilities of Syro Steel Company, Western Division, located at Centerville, UT, to points in ID, MT, NM, OR, WA and WY, for 270 days. Supporting shipper: Syro Steel Company, Western Division, 950 W. 400 South, Centerville, UT.

MC 162017 (Sub-6-1 TA), filed May 17, 1982. Applicant: ED OLPIN, d.b.a. OLPIN TRUCKING, 275 W. 2nd S., Pleasant Grove, UT 84062. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111. *Contract carriage*, irregular routes, transporting, *cheese and cheese products*, from Dewey County, SD to Los Angeles, CA, for the account of Timberlake Cheese Co. for 270 days, ETA seeks 120 days authority. Supporting shipper: Timber Lake Cheese Co., Inc., Timberlake, SD 57656.

MC 149100 (Sub-6-11 TA), filed May 17, 1982. Applicant: JIM PALMER TRUCKING, 9730 Derby Dr., Missoula, MT 59801. Representative: Steven K. Kuhlmann, 717 17th St., Ste. 2600, Denver, CO 80202. *Lumber and wood products*, between Winslow, IN on the one hand, and, on the other, points in and west of MI, WI, IL, MO, AR, and LA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: L. B. Foster Co., Wood Products Div., RR1, Winslow, IN 47598.

MC 161773 (Sub-6-1 TA), filed May 13, 1982. Applicant: REEDY ENTERPRISES,

d.b.a. R.C. CARTAGE CO., INC., P.O.B. 262, Dupont, CO 80024. Representative: Ronald C. Reedy (same as applicant). *Common carrier*, regular routes. *General commodities* (except hazardous waste, household goods, class A & B explosives and commodities in bulk and tank trucks), from Boulder, Adams, Jefferson, Arapahoe, Denver counties, CO to Deith and Lincoln counties, NE via routes I-76 from Denver, CO, thence to I-80 and return over the same route for 270 days. Interlining privileges requested. An underlying ETA seeks 120 days authority. Supporting shippers: There are 44 supporting shippers. Their statements may be examined in the regional office listed above.

MC 162024 (Sub-6-1 TA), filed May 17, 1982. Applicant: ROD TRANSPORT, INC., 2848 American Ave., Sacramento, CA 95833. Representative: Steven Rodriguez (same as applicant). *pulp, paper and related products*, from Sacramento, CA, to Oakland and San Francisco, CA for 270 days. Supporting shipper: Keyes Fibre Company, 8450 Gerber Rd., Sacramento, CA 95828.

MC 161046 (Sub-6-1 TA), filed May 14, 1982. Applicant: S&B ENTERPRISES, 273 South 1375 East, Bountiful, UT 84010. Representative: Steve Facer (same as applicant). *Grain products and bakery products, equipment, materials and supplies used in the manufacture and distribution thereof*, from the facilities of Pillsbury in Weber and Davis Counties, UT to points in Tulare, Inyo, San Diego, Los Angeles, Alameda and Sacramento Counties, CA and Maricopa County, AZ for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Pillsbury Co., 2780 G. Ave., Ogden, UT 84402.

MC 124692 (Sub-6-28 TA), filed May 17, 1982. Applicant: SAMMONS TRUCKING, P.O.B. 4347, Missoula, MT 59806. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Minneapolis, MN 55402. *Lumber and wood products*, from points in CA on the north of Interstate Hwy. 80, OR, MT and ID, to points in NJ, for 270 days. Supporting shipper: Stitzinger Lumber Company, Box 27279, Philadelphia, PA 19118.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-14030 Filed 5-21-82; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules

of Practice, See 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be

construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-86

Decided: May 12, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier. Member Parker not participating in part.

MC 19311 (Sub-77), filed May 3, 1982. Applicant: CENTRAL TRANSPORT, INC., 34200 Mound Road, Sterling Heights, MI 48077. Representative: Elmer J. Maue (same address as applicant), (313) 939-7000. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with General Motors Corporation of Troy, MI

MC 32570 (Sub-1TA), filed May 3, 1982. Applicant: MEIKO FREIGHT SERVICE, INC., 2220 E. Carson St., Long Beach, CA 90801. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017, (213) 483-4700. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CA.

MC 113861 (Sub-87), filed May 7, 1982. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, Memphis, TN 38106. Representative: Dale Woodall, 6077 Primacy Parkway, Suite 209, Memphis, TN 38119, (901) 683-5400. Transporting *commodities in bulk*, between points in AR, TN, MS, AL, LA, MO, KS, OK, TX, IN, IL, and KY.

MC 114211 (Sub-509), filed May 4, 1982. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant), (319)-233-6113. Transporting *general commodities*, between points in the U.S., under continuing contract(s) with Tiger International, Inc., and its subsidiaries, of Los Angeles, CA.

MC 134060 (Sub-20), filed May 6, 1982. Applicant: DONAM-MARPOLE TRANSPORT, LTD., 435 Trunk Rd., Duncan, B.C., Canada V9L 2P8. Representative: Henry C. Winters, 12600 SE 38th St., Suite 200, Bellevue, WA 98006, (206) 644-100. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between ports of entry on the international boundary line between the U.S. and Canada located in

ID, MT and WA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY.

MC 138021 (Sub-7), filed May 3, 1982. Applicant: STAND, INC., P.O. Box 710, Gnadenbutten, OH 44629. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, (614) 889-2531. Transporting *general commodities*, (except classes A and B explosives and household goods), between points in OH, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 141590 (Sub-8), filed May 6, 1982. Applicant: NOAH E. FERRIS, d.b.a. CONTRACT FURNITURE CARRIERS, P.O. Box 7586, Roanoke, VA 24019. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24188, (703) 629-2618. Transporting *chemicals and related products and machinery*, between Roanoke and Salem, VA, and points in Roanoke County, VA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 142601 (Sub-10), filed May 6, 1982. Applicant: CECO TRANSPORT, INC., 1400 Kensington Rd., Oak Brook, IL 60521. Representative: Daniel C. Sullivan, 180 N. Michigan Ave., Suite 1700, Chicago, IL 60601, (312) 283-1600. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 145111 (Sub-2), filed May 3, 1982. Applicant: HASTINGS TRUCKING, INC., 907 Holland Ave., Galena Park, TX 77547. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459, (713) 437-1768. Transporting *lime, lime slurry, and ground oyster shells*, between points in TX.

MC 148380 (Sub-23), filed May 3, 1982. Applicant: CRESCO LINES, INC., 13900 South Keeler Ave., Crestwood, IL 60445. Representative: Edward G. Bazelon, 29 South LaSalle St., Chicago, IL 60603, (312) 236-9375. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Elcen Metal Products Company, of Franklin Park, IL.

MC 148791 (Sub-23), filed May 6, 1982. Applicant: TRANSPORT-WEST, INC., 2125 N. Redwood Rd., Salt Lake City, UT 85116. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531-1777. Transporting *packaging and packaging products*, between points in the U.S. (except AK and HI), under

continuing contract(s) with Boise Cascade Corporation, of Boise, ID.

MC 149351 (Sub-7), filed May 5, 1982. Applicant: HEYMAN TRUCKING, INC., Box 97, 212 Mulberry St., Stephens City, VA 22655. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740, (301) 739-4860. Transporting *food and related products*, (a) between points in Berks County, PA, on the one hand, and, on the other, points in CA, OR, and WA, and (b) between points in Winchester and Frederick Counties, VA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 150310 (Sub-4), filed May 6, 1982. Applicant: LOAD LINE, LTD., 3045 West Liberty Ave., Pittsburgh, PA 15216. Representative: Jerry B. Sellman, 50 West Broad St., Columbus, OH 43215, (614)-464-4103. Transporting *such commodities as are dealt in or used by manufacturers and distributors of plumbing products and supplies*, between points in the U.S. (except AK and HI), under continuing contract(s) with Artesian Industries, Inc., of Mansfield, OH.

MC 150440 (Sub-5), filed May 3, 1982. Applicant: UNIVERSAL EXPRESS, LTD., 3820 University, West Des Moines, IA 50265. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309, (515) 244-2329. Transporting (1) *tires, petroleum oil and grease, and agricultural implements and parts*; and (2) *tires*, between points in the U.S. (except AK and HI), under continuing contract(s) with Minnesota Farm Bureau Business Corp., in (1) above, and Safemark Division, BIC, Inc., of West Des Moines, IA, in (2) above.

MC 150490 (Sub-4), filed May 5, 1982. Applicant: CONN WEST TRUCKING, INC., 4000 East Rd., Lima, OH 45807. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, (614) 889-2531. Transporting (1) *machinery and metal products*, between points in the U.S. (except AK and HI), and (2) *transportation equipment*, between points in CT, FL and ME, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 150860, filed May 4, 1982. Applicant: CAL BETTEN TRUCKING, 4212 44th St., SW, Grandville, MI 49418. Representative: D. Richard Black, Jr., 285 James St., P.O. Box 638C, Holland, MI 49423, (616) 399-3400. Transporting *health and beauty aids, drugs and toilet articles*, between points in the U.S. (except AK and HI), under continuing contract(s) with L. Perrigo, Inc., of Allegan, MI.

MC 151761, filed May 16, 1982. Applicant: A. C. CARTAGE (1965) LTD.,

8958 120th St., Surrey, B.C. Canada V3V 4B4. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055-3273, (206) 235-1111. Transporting *lumber and wood products and building materials*, between ports of entry on the international boundary line between the U.S. and Canada in WA, on the one hand, and, on the other, points in OR and WA.

MC 151880 (Sub-3), filed May 3, 1982. Applicant: K & K TRUCKING, INC., 806 Cullum St., Carthage, TN 37030. Representative: J. Greg Hardeman, 618 United Southern Bank, Nashville, TN 37219, (615) 244-8100. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Smith County, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—Applicant intends to tack this authority with its existing authority in Docket No. MC-151880 and MC-151880 (Sub 1).

MC 156960, filed May 6, 1982. Applicant: J. C. TRUCK, INC., 111 Halifax Cove, Jacksonville, AR 72076. Representative: Glen Clay (same address as applicant), (501) 982-9878. Transporting *rollers*, between points in White County, AR, on the one hand, and, on the other, points in MO, TN, TX, OK, AL, MS, KY, KS, IL, and OH.

MC 157211 (Sub-1), filed May 6, 1982. Applicant: DI-MON, INC., 9735 Braircreek Drive, Oklahoma City, OK 73132. Representative: Jim Patton, 3925 N.W. 10th St., Box 75613, Oklahoma City, OK 73147, (405) 943-2466. Transporting *Mercer commodities*, between points in NM, on the one hand, and, on the other, points in OK and TX.

MC 158230, filed May 3, 1982. Applicant: STEFANIA SEWRUK AND KRYSTYNA SCHOLTZE, d.b.a. TEMPO TRANSPORTATION, 3017 S. Kensington Avenue, Westchester, IL 60153. Representative: Donald S. Mullins, 1033 Graceland Avenue, Des Plaines, IL 60016, (312) 298-1094. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between Chicago, IL, on the one hand, and, on the other, points in AL, AR, GA, IL, IN, IA, KY, LA, MI, MN, MS, MO, NY, OH, PA, TN, WV, and WI.

MC 161789, filed May 3, 1982. Applicant: BASRAN FREIGHT & LUMBER, 317 Wood St., New Westminster, B.C., Canada V3M 5K6. Representative: George LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055, (206) 228-3807. Transporting *lumber and wood products, forest products, building materials, and such*

commodities as are dealt in or used by manufacturers and dealers of prefabricated log homes, between ports of entry on the international boundary line between the U.S. and Canada in WA, on the one hand, and, on the other, points in WA and OR.

MC 161800, filed May 3, 1982. Applicant: ALL AMERICAN BUS LINES, INC., 3744 East Anne, Phoenix, AZ 85040. Representative: Donald W. Powell, 4150 North 12th St., Phoenix, AZ 85014, (602)-241-0777. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in AZ, and extending to points in the U.S. (except HI).

MC 161830, filed May 4, 1982. Applicant: ESCANABA OIL COMPANY, INC. 2501 14th Ave., South Escanaba, MI 49829. Representative: Edward H. Schaus (same address as applicant) (906) 786-1122. Transporting *instruments, documents, currency, receipts, data processing materials, and correspondence*, between points in MI and WI.

MC 161800, filed May 6, 1982. Applicant: CHICOT TRANSPORT, INC., Highway 65 North, Lake Village, AR 71653. Representative: K. G. Norris, North Lake Shore Rd., Lake Village, AR 71653, (501)-265-2573. Transporting *petroleum products*, between points in Washington County, MS, on the one hand, and, on the other, points in Ashley, Chicot and Desha Counties, AR, under continuing contract(s) with (1) Powell Oil Company, Inc., of McGehee, AR; (2) Callaway Oil Company, of Wilmet, AR; and (3) G. A. Norris Butane Co., Inc. of Lake Village, AR.

MC 161861, filed May 6, 1982. Applicant: WJS MOTOR FREIGHT, INC., 3225 South 7th Street, Louisville, KY 40210. Representative: Daniel C. Sullivan, 180 N. Michigan Avenue, Suite 1700, Chicago, IL 60601, (312) 263-1600. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Haywood Male Company, Division of Genesco, of Nashville, TN.

Volume No. OP3-76

Decided: May 18, 1982.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams.

MC 2934 (Sub-122), filed May 7, 1982. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same

address as applicant), (317) 875-1142. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except HI), under continuing contract(s) with Control Data Corporation, of Minneapolis, MN.

MC 123405 (Sub-86), filed May 7, 1982. Applicant: FOOD TRANSPORT, INC., R. D. #1, Thomasville, PA 17364. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101, (717) 236-9318. Transporting *petroleum products and sound-deadener compound* (except commodities in bulk, (1) between points in McKean and Venango Counties, PA, Hancock and Pleasants Counties, WV, and Warren County, MS, on the one hand, and, on the other, points in the U.S. (except AK and HI); (2) between points in Fulton County, GA, and Butler, Westmoreland and Allegheny Counties, PA, on the one hand, and, on the other, points in TX and those in the U.S. in and east of MN, IA, MO, AR, and LA, (3) between points in Harris County, TX, on the one hand, and, on the other, points in FL, and (4) between points in Erie County, NY and Beaver County, PA, on the one hand, and, on the other, points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 125535 (Sub-40), filed May 6, 1982. Applicant: NATIONAL SERVICE LINES, INC. OF NEW JERSEY, 2275 Schuetz Rd., St. Louis, MO 63141. Representative: Donald S. Helm (same address as applicant), (314) 569-1161. Transporting *non-ferrous metals*, between points in the U.S. (except AK and HI).

MC 128114 (Sub-13), filed May 10, 1982. Applicant: SAVAGE & SONS, INC., P.O. Box 2422, Pasco, WA 99302. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009, (206) 453-0312. Transporting *petroleum and petroleum products*, between points in WA, OR, ID, and MT.

MC 141255 (Sub-21), filed May 6, 1982. Applicant: TANDY TRANSPORTATION, INC., 2560 E. Long Ave., Fort Worth, TX 76111. Representative: Donnie Brogdon (same address as applicant), (817) 834-0182. Transporting *general commodities* (except classes A and B, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Lawson Products, Inc. of Des Plaines, IL.

MC 141255 (Sub-22), filed May 6, 1982. Applicant: TANDY TRANSPORTATION, INC., 2560 East Long Ave., Fort Worth, TX 76111. Representative: Roy Beans (same address as applicant), (817) 834-0182.

Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Big Bear Stores Co., and its subsidiaries, of Columbus, OH.

MC 142305 (Sub-6), filed May 6, 1982. Applicant: WISCONSIN EXPRESS LINES, INC., Route 2, Green Bay, WI 54301. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203; (414) 273-7410. Transporting (1) *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Pauly Cheese Company, a Division of Swift & Company, of Green Bay, WI, and (2) *salt and salt products*, between points in the U.S. (except AK and HI), under continuing contract(s) with International Salt Company, of Clarks Summit, PA.

MC 142305 (Sub-7), filed May 6, 1982. Applicant: WISCONSIN EXPRESS LINES, INC., Route 2, Green Bay, WI 54301. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203; (414) 273-7410. Transporting *food and related products*, between points in WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 145734 (Sub-18), filed April 27, 1982. Applicant: BD TRUCKING CO., P.O. Box 817, Ripon, CA 95366. Representative: James H. Gulseth, 100 Bush St., 21st Floor, San Francisco, CA 94104; (415) 986-5778. Transporting *general commodities* (except classes A and B explosives), between points in CA, OR, and WA.

MC 146075 (Sub-14), filed May 6, 1982. Applicant: TEXAS INTERMOUNTAIN TRANSPORTATION, INC., 6161 West 29th Pl., Wheatridge, CO 80214. Representative: Delbert Ewing (same address as applicant), (303) 429-4065. Transporting (1) *food and related products*, and (2) *alcoholic beverages*, between points in the U.S. (except AK and HI).

MC 152935 (Sub-10), filed May 6, 1982. Applicant: HILL-ROM COMPANY, INC., Highway 46, Batesville, IN 47006. Representative: Steve A. Oldham (same address as applicant) (812) 934-7169. Transporting *furniture and fixtures*, and *metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Tropitone Furniture Company, Inc., of Sarasota, FL.

MC 153414 (Sub-2), filed May 6, 1982. Applicant: U.S. POLLUTION CONTROL, INCORPORATED, 2000 Classen Center, Suite 320 South, Oklahoma City, OK

73106. Representative: Wilburn L. Williamson, Suite 107, 50 Classen Center, 5101 North Classen Blvd., Oklahoma City, OK 73108; (405) 848-7946. Transporting *chemicals and related products*, between points in the U.S.

MC 156104 (Sub-1), filed May 6, 1982. Applicant: PAUL WATTS TRUCKING, INC., 386 Larkin Ave., Akron, OH 44305. Representative: Paul Watts (same address as applicant) (216) 784-6237. Transporting *such commodities* as are dealt in or used by ceramic or clay manufacturers, between points in the U.S. (except AK and HI).

MC 159155, filed May 6, 1982. Applicant: PULLEN BROS., INC., Route 4, Box 6H, Sikeston, MO 63801. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112; (817) 457-0804. Transporting (1) *carpet padding*, between points in the U.S. (except AK and HI), (2) *catbox filler and absorbent products*, between points in Pulaski County, IL, on the one hand, and, on the other, points in AZ, CO, NM, and those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, and (3) *frozen confections*, between points in the U.S. (except AK and HI).

MC 160454, filed May 6, 1982. Applicant: OWEN PRODUCE, INC., Locust Grove Rd., Elizabethtown, KY 42701. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, (615) 790-2510. Transporting *such commodities* as are dealt in by retail and wholesale automotive supply houses and industrial supply houses, between points in Hardin County, KY, and Cuyahoga County, OH, on the one hand, and, on the other, points in TX, CA, and WA.

MC 160785 (Sub-1), filed May 10, 1982. Applicant: CASTAR TRUCKING, 7840 "F" St., Omaha, NE 68127. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114; (402) 397-9900. Transporting *food and related products*, between points in Pottawattamie County, IA, and Douglas and Sarpy Counties, NE, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161025, filed May 7, 1982. Applicant: MIKE SATTERLEE & CLARK JENNER, d.b.a. CAMSCO, Box 1264, Williston, ND 58801. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502; (701) 223-5300. Transporting *Mercer commodities* (except commodities in bulk), between points in ND, SD, MT, WY, and CO.

MC 161795, filed May 7, 1982. Applicant: VANTAGE TRANSPORT,

INC., 6810 Fleetwood Rd., McLean, VA 22101. Representative: J. G. Dail, Jr., P.O. Box 11, McLean, VA 22101; (703) 893-3050. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Kraft, Inc., of Glenview, IL.

MC 161854, filed May 6, 1982. Applicant: JAMES E. PATRICK, d.b.a. PATRICK'S, P.O. Box 133, Chestertown, MD 21620. Representative: William J. Bateman, 1575 Eye St., NW., Washington, DC 20005; (202) 789-1165. Transporting *motor vehicles*, between those points in DE, MD, and VA east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161865, filed May 6, 1982. Applicant: FEDTRANS, INC., 138 Fifth Ave. South, Nashville, TN 37202. Representative: Daniel C. Sullivan, 180 N. Michigan Ave., Suite 1700, Chicago, IL 60601; (312) 263-1800. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with State Industries, Inc., of Ashland City, TN.

MC 161884, filed May 7, 1982. Applicant: HARBOR VIEW TAXI OF STATEN ISLAND INC., 98 Brookfield Ave., Staten Island, NY 10308. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022; (212) 838-0600. Transporting *passengers and their baggage*, in the same vehicle with passengers, limited to the transportation of not more than 21 passengers (excluding the driver), in special operations, beginning and ending at Brooklyn, NY, and extending to points in the U.S.

MC 161895, filed May 10, 1982. Applicant: KING TRUCKING, INC., Rt. 1, Box 151, King City, MO 64463. Representative: G. C. King (same address as applicant) (816) 535-6398. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Buchanan, Gentry, Jackson, Pettis and Saline Counties, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161904, filed May 10, 1982. Applicant: ROY K. ABBOTT d.b.a. ABBOTT EXPRESS, P.O. Box 399, Sparks, NV 89431. Representative: Robert G. Harrison, 4299 James Dr.,

Carson City, NV 89701; (702) 882-5649. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with SCM Walton Printing Co. of Buena Park, CA and Roy E. Thomas Furniture Manufacturing, Inc. of Santa Fe Springs, CA.

Volume No. OP4-176

Decided: May 18, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 51146 (Sub-864), filed May 10, 1982. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Charles W. Singer, P.O. Box 2545, Green Bay, WI 54306; (414) 498-5246. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. under continuing contract(s) with The Mead Corporation, of Dayton, OH, and its subsidiaries.

MC 146496 (Sub-14), filed May 10, 1982. Applicant: JOSEPH MOVING & STORAGE CO., INC., d.b.a. ST. JOSEPH MOTOR LINES, 5724 New Peachtree Rd., Chamblee, GA 30341. Representative: Edward J. Kiley, 1730 M St., N.W., Washington, DC 20036; (202) 296-2900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Continental Shippers Association, Inc., of Atlanta, GA. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 4, Room 2410.

MC 151706 (Sub-4), filed May 3, 1982. Applicant: JAN-AL SALES, INC., 5321 Southwyck Blvd., Toledo, OH 43614. Representative: Joseph E. Ludden, P.O. Box 1567, LaCrosse, WI 54601; (608) 788-2000. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 156126, filed May 12, 1982. Applicant: AMERICAN TRANSPORTATION & STORAGE, INC., 817 Atherton Dr., Metairie, LA 70001.

St., Forth Worth, TX 76103; (817) 332-4718. Transporting *metal products*, between points in AL, LA, MS and TX.

MC 159916 (Sub-1), filed May 11, 1982. Applicant: ROMAR, INC., P.O. Box 1843, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701; (208) 343-3071. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Romar, Inc.; Beauty For All Seasons; C-A-L Ranch Farm Supply, Inc.; C-A-L Stores Inc.; and Two M Distributors, Inc., all of Idaho Falls, ID, and Innovative Concepts, Inc., of San Jose, CA.

MC 161646, filed May 11, 1982. Applicant: JAMES PATTON 1570 Tarberry, Houston, TX 77088. Representative: C. W. Ferebee, 3910 FM 1960 W., Suite 106, Houston, TX 77068; (713) 537-8156. Transporting *construction equipment and parts*, between Houston, TX and points in Brazoria County, TX, on the one hand, and on the other, points in OK, LA and AR.

MC 161896, filed May 10, 1982. Applicant: FREE STATE TRANSPORT, INC., 406 Railroad Ave., Federalsburg, MD 21632. Representative: M. Bruce Morgan, 100 Roseler Rd., Suite 200, Glen Burnie, MD 21061; (301) 761-2580. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International boundary line between the U.S. and Canada.

MC 161996, filed May 12, 1982. Applicant: HARRY PAYNE TRUCKING, 1317 Springbrook Rd., Medford, OR 97501. Representative: Philip G. Skofstad, 529 S.E. Grand Ave., Portland, OR 97214; (503) 239-4157. Transporting *lumber and wood products*, between points in WA and OR, on the one hand, and, on the other, points in CA, NV, AZ, TX, OK, UT, ID, NM, and AR.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-14027 Filed 5-21-82; 8:45 am]

[Finance Docket No. 29915]

Consolidated Rail Corp.; Trackage Rights Exemption; Over Norfolk & Western Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 11343 the trackage rights agreement granting Consolidated Rail Corporation the right to operate over approximately 43.4 miles of Norfolk and Western Railway Company track between Muncie, and Richmond, IN.

DATES: Exemption effective on May 24, 1982. Petitions to reopen must be filed by June 14, 1982.

ADDRESSES: Send pleadings to:

- (1) Section of Finance, room 5314, Interstate Commerce Commission, Washington, D.C. 20423
- (2) Petitioner's representative: Joel E. Mazor, Consolidated Rail Corporation, 1138 Six Penn Central Plaza Philadelphia, PA 19104

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275-7245.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the commission's decision. To purchase a copy of the full decision, contact: TS Infosystems, Inc., Room 2227, 12th & Constitution Ave., NW., Washington, D.C. 20423; (202) 289-4357-DC Metropolitan Area; (800) 424-5403-toll free for outside the DC area.

Decided: May 17, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham, Sterrett, Andre, and Simmons. Commissioner Simmons did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-14032 Filed 5-21-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-1 (Sub-119F)]

Chicago and North Western Transportation Co.—Abandonment Between Mason City and Kesley, IA; Findings

The Commission has issued a certificate authorizing the Chicago and North Western Transportation Company to abandon its 35.6-mile rail line between Mason City, IA, milepost 104.3, and Kesley, IA, milepost 68.7, in Cerro Gordo, Franklin, and Butler Counties, IA. The abandonment certificate will

the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1121.38.

Decided: May 19, 1982.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-14171 Filed 5-21-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-1 (Sub-133)]

Chicago and North Western Transportation Co.—Abandonment in Polk County, IA; Findings

The Commission has found that the public convenience and necessity permit Chicago and North Western Transportation Company to abandon its rail line between milepost 3.8 near Flint Junction, IA and milepost 11.5 near Camp Dodge, IA, a total distance of 7.7 miles, in Polk County, IA, subject to conditions. A certificate will be issued authorizing abandonment unless the Commission also finds that: (1) a financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be resubmitted within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are set forth at 49 U.S.C. 10905 and 49 CFR 1121.38.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-14172 Filed 5-21-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Advisory Committee on Voluntary Foreign Aid; Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a)(2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the meeting of the Advisory Committee on Voluntary Foreign Aid which will be held on June 10 (from 9:00 a.m. to 5:30 p.m.), and June 11 (from 9:00 a.m. to 12:30 p.m.), at The Mayflower, 1127 Connecticut Avenue, NW., Washington DC 20036.

The Committee will discuss implementation of the "Biden-Pell" Amendment, Section 316(a) of the International Security and Development Cooperation Act of 1980, Pub. L. 96-533. The Amendment calls for encouragement of the work of private and voluntary organizations to deal with world hunger problems, and for assistance to facilitate public discussion, analysis, and review of issues relating to world hunger and poverty.

The major theme of this two-day meeting centers on the role of the media in development education. PVO and media representatives will speak on the various challenges and opportunities related to the use of media as a development education resource. In addition, there will be a panel discussion on World Food Day: A National Development Education Project for PVOs and an update on AID Development Education activities.

The meeting will be open to the public. Any interested person may attend, request to appear before, or file statements with the Committee in accordance with procedures established by the Committee. Written statements should be filed prior to the meeting and should be available in twenty copies.

Dr. Toye Brown Byrd will be the AID representative at the meeting. It is suggested that those desiring further information contact Dr. Byrd at (703) 235-2708, or by mail c/o the Advisory Committee on Voluntary Foreign Aid, Agency for International Development, Washington, DC 20523.

Dated: May 14, 1982.

Julia Chang Bloch,

Assistant Administrator, Bureau for Food for
Peace and Voluntary Assistance.

[FR Doc. 82-14101 Filed 5-21-82; 8:45 am]

BILLING CODE 6116-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 82-28]

NASA Advisory Council, Aeronautics Advisory Committee; Meeting

AGENCY: National Aeronautics and
Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on General Aviation Technology.

DATE AND TIME: June 10, 1982, 8:30 a.m. to 5 p.m. June 11, 1982, 8:15 a.m. to 3:30 p.m.

ADDRESS: NASA Langley Research Center, Building 1219, Room 225, Hampton, VA.

FOR FURTHER INFORMATION CONTACT: Mr. Harry W. Johnson, National Aeronautics and Space Administration, Code RJC-2, Washington, DC 20546 (202/755-2380).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on General Aviation Technology was established to assist the NASA in assessing the adequacy of its aeronautics research and technology program to meet the specific needs of general aviation, including commuter transport aircraft, and to recommend any modifications or augmentations of current and planned activities deemed necessary to increase their value and effectiveness in achieving commuter and general aviation program objectives. These objectives include advanced technology for increased safety, energy efficiency, utility, environmental compatibility, and economic usefulness. The program is multidisciplinary in scope, encompassing aerodynamics and flight dynamics, propulsion, materials and structures, avionics, controls and human factors. The Subcommittee, chaired by Mr. John W. Olcott, is comprised of eight members. The meeting will be open to the public up to the capacity of the room (approximately 50 persons including Subcommittee members and participants).

Type of meeting: Open

Agenda

June 10, 1982:

8:30 a.m.—Opening Remarks

9 a.m.—Status of NASA Aeronautics Program Planning

11 a.m.—Summary of NASA FY 1982
Commuter and General Aviation
Research and Technology Programs:
Langley Research Center, Lewis
Research Center, Ames Research Center
4 p.m.—Discussion of Issues Regarding
General Aviation and Commuter Aircraft
Technology
5 p.m.—Adjourn

June 11, 1982:

8:15 a.m.—Continuation of Discussion of
Issues
10:30 a.m.—Subcommittee Conclusions and
Recommendations
3:30 p.m.—Adjourn
Dated: May 17, 1982.

Nathaniel B. Cohen,

Director, Management Support Office, Office
of External Relations.

[FR Doc. 82-14042 Filed 5-21-82; 8:45 am]

BILLING CODE 7510-01-M

[Notice 82-29]

NASA Advisory Council, Aeronautics Advisory Committee; Meeting

AGENCY: National Aeronautics and
Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the
Federal Advisory Committee Act, Pub.
L. 92-463, as amended, the National
Aeronautics and Space Administration
announces a forthcoming meeting of the
NASA Advisory Council, Aeronautics
Advisory Committee, Informal
Executive Subcommittee.

DATE AND TIME: June 17, 1982, 8:30 a.m.
to 5:45 p.m.; June 18, 1982, 8:30 a.m. to 3
p.m.

ADDRESS: National Aeronautics and
Space Administration, 600
Independence Ave., SW., Room 625,
Washington, DC.

FOR FURTHER INFORMATION CONTACT:
Mr. C. Robert Nysmith, National
Aeronautics and Space Administration,
Code R, Washington, DC 20546 (202/
755-8550).

SUPPLEMENTARY INFORMATION: The
Informal Executive Subcommittee was
established to provide overall guidance
and direction to the discipline and
vehicle class oriented activities of the
Aeronautics Advisory Committee. The
Subcommittee, chaired by Dr. Robert
Loewy, is comprised of eleven members.

The meeting will be open to the public
up to the seating capacity of the room
(approximately 50 persons including the
Subcommittee members and
participants).

Type of meeting: Open

Agenda

June 17, 1982:

8:30 a.m.—Chairperson's Remarks
8:15 a.m.—Review of NASA Aeronautics
and Long Range Plan

1 p.m.—Subcommittee Chairperson's
Reports

5:45 p.m.—Adjourn

June 18, 1982:

8:15 a.m.—Continuation of Subcommittee
Chairperson's Reports

10:45 a.m.—Discussion and Consolidation
of Subcommittee Reports

3 p.m.—Adjourn

Dated: May 17, 1982.

Nathaniel B. Cohen,

Director, Management Support Office, Office
of External Relations.

[FR Doc. 82-14043 Filed 5-21-82; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of
sections 29 and 182b. of the Atomic
Energy Act (42 U.S.C. 2039, 2232 b.), the
Advisory Committee on Reactor
Safeguards will hold a meeting on June
3-5, 1982, in Room 1046, 1717 H Street,
NW., Washington, DC. Notice of this
meeting was published in the *Federal
Register* on May 19, 1982.

The agenda for the subject meeting
will be as follows:

Thursday, June 3, 1982

8:30 A.M.—8:45 A.M.: Opening Session
(Open)—The Committee will hear and
discuss the report of the ACRS
Chairman regarding miscellaneous
matters relating to ACRS activities.

8:45 A.M.—12:45 P.M.: Reactor
Pressure Vessel Integrity (Open)—The
Committee will hear the report of its
Subcommittee and consultants who are
present regarding the proposed NRC Plan
of action to resolve questions relating to
repressurization of reactor pressure
vessels following severe cooling
transients.

The Committee will hear and discuss
a report from members and consultants
of the NRC Staff regarding this matter.
Representatives of the nuclear industry
will participate as appropriate.

1:45 P.M.—3:45 P.M.: Quantitative
Safety Goals (Open)—The members of
the Committee will discuss the proposed
ACRS report to the NRC regarding
proposed Safety Goals for Nuclear
Power Plants: A Discussion Paper
(NUREG-0890) dated February 1982.

3:45 P.M.—5:45 P.M.: NRC Safety
Research Program (Open)—The
Committee will hear and discuss the
report of its Subcommittee Chairman
and designated members regarding the
proposed NRC Safety Research Budget
for FY 1984 and 1985.

Members of the NRC Staff will
participate as appropriate.

Portions of this section will be closed
as required to discuss information the
premature release of which would be
likely to significantly frustrate the
performance of the Committee's
statutory function.

5:45 P.M.—6:30 P.M.: NRC Regulations
(Open)—The Committee members will
hear and discuss reports from its
Subcommittee Chairman regarding
proposed NRC regulations on
Application of TMI-2 Lessons Learned
to Operating Reactors (10 CFR 50.34)
and Applicability of License Conditions
and Technical Specifications in an
Emergency (10 CFR 50.54 and 50.72).

Friday, June 4, 1982

8:30 A.M.—12:30 P.M.: Midland Plant
Units 1 and 2 (Open)—The Committee
will hear the report of its Subcommittee
and consultants who are present
regarding proposed operation of the
Midland Plant Units 1 and 2.

The Committee will hear and discuss
presentations by representatives of the
NRC Staff and the applicant regarding
this matter. Portions of this section will
be closed as necessary to discuss
Proprietary Information related to this
matter.

1:30 P.M.—2:00 P.M.: Discuss Items for
ACRS meeting with NRC

Commissioners (Open)—The members
will discuss proposed ACRS comments
regarding items to be discussed with the
NRC Commissioners. These items will
include: ACRS activities regarding
quantitative safety goals for nuclear
power plants; integrity of reactor
pressure vessels; ACRS plans for review
of the CRBR; the NRC Long Range
Research Program Plan, and
instrumentation for detection of
inadequate core cooling.

2:00 P.M.—3:30 P.M.: Meeting with
NRC Commissioners (Tentative)
(Open)—The Committee will meet the
members of the Commission to discuss
items not above.

3:30 P.M.—4:15 P.M.: Future ACRS
Activities (Open)—The members will
discuss anticipated ACRS Subcommittee
activity and topics proposed for
consideration by the full Committee.

4:15 P.M.—5:00 P.M.: Decay Heat
Removal Systems (Open)—The
Committee will hear and discuss the
report of its Subcommittee Chairman
regarding the proposed NRC Task
Action Plan A-45 to evaluate alternate
decay heat removal systems.

5:00 P.M.—6:30 P.M.: Quantitative
Safety Goals (Open)—The members will
continue discussion of the proposed
ACRS report to the NRC on proposed

Safety Goals for Nuclear Power Plants (NUREG-0880).

Saturday, June 5, 1982

8:30 A.M.-12:30 P.M. Preparation of ACRS Reports to NRC (Open/Closed)—The members will discuss proposed reports to the NRC regarding matters considered during this meeting.

Portions of this session will be closed as necessary to discuss Proprietary Information and information which will be involved in an adjudicatory proceeding.

1:30 P.M.-2:30 P.M.: Seismic Methodology Applicable to Nuclear Power Plants (Open)—The members will discuss proposed Committee comments regarding the use of revised seismic methodology for the siting and design of nuclear power plants.

2:30 P.M.-3:30 P.M.: Preparation of ACRS Reports to NRC (Open/Closed)—The members will complete discussion of proposed ACRS reports to NRC regarding matters considered during this meeting.

Portions of this session will be closed as necessary to discuss Proprietary Information and information which will be involved in and adjudicatory proceeding.

Procedures for the conduct of a participation in ACRS meetings were published in the *Federal Register* on September 30, 1981 (46 FR 47903).

In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director (R. F. Fraley) prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with subsection 10(d) Pub. L. 92-463 that it is

necessary to close portions of this meeting as noted above to discuss Proprietary Information (5 U.S.C. 552b(c)(4)) applicable to the matters being discussed, information which will be involved in an adjudicatory proceeding (5 U.S.C. 552b(c)(10)), and preliminary information the release of which would be likely to significantly frustrate performance of the Committee's statutory function (5 U.S.C. 552b(c)(9)(B)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634-3265), between 8:15 A.M. and 5:00 P.M. EDT.

Dated: May 18, 1982.

John C. Hoyle,

Advisory Committee Management.

[FR Doc. 82-14127 Filed 5-21-82; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguard, Subcommittees on Reactor Radiological Effects and Site Evaluation; Meeting

The ACRS Subcommittees on Reactor Radiological Effects and Site Evaluation will hold a joint meeting on June 9, 1982 in Room 1046, 1717 H Street, NW., Washington, D.C. The Subcommittees and their consultants will review NRC's FY 1984 and FY 1985 research plans in the areas of reactor radiological effects, siting and environmental impacts.

In accordance with the procedures outlined in the *Federal Register* on September 30, 1981 (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittees, their consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which may be closed to prevent premature disclosure of budgetary and other information (Sunshine Act Exemption (9)(b)). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will

be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows: *Wednesday, June 9, 1982—8:30 a.m. until the conclusion of business.*

During the initial portion of the meeting, the Subcommittees, along with any of their consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. John C. McKinley or the Staff Engineer, Ms. R. C. Tang (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to prevent premature disclosure of budgetary information. The authority for such closure is Exemption (9)(b) to the Sunshine Act, 5 U.S.C. 552b(c)(9)(b).

Dated: May 20, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-14211 Filed 5-21-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-298]

Issuance of Amendment to Facility Operating License; Nebraska Public Power District

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 79 to Facility Operating License No. DPR-46 issued to Nebraska Public Power District (the licensee) which revised the Technical Specifications for operation of the Cooper Nuclear Station located in Nemaha County, Nebraska. The amendment is effective as of March 23, 1982.

The amendment modifies the Technical Specifications to permit operation of the facility during startup for a period not to exceed 48 hours between March 22 and March 25, 1982.

with the containment deinterred and without drywell suppression chamber differential pressure.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 23, 1982, (2) the Commission's letter to the licensee dated March 23, 1982, (3) Amendment No. 79 to License No. DPR-46 and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Auburn Public Library, 118-15th Street, Auburn Nebraska 68304. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 10th day of May 1982.

For the Nuclear Regulatory Commission,
Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2,
Division of Licensing.

(PR Doc. 82-14126 Filed 5-21-82; 8:45 am)

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

(File No. 22-11654)

Pepsico, Inc.; Application and Opportunity for Hearing

May 18, 1982.

Notice is hereby given that PepsiCo, Inc. (the "Company") has filed an application pursuant to clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities Exchange Commission (the "Commission") that the following

trusteeships of The Chase Manhattan Bank (National Association) ("Chase") are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chase from acting as trustee under any of the following instruments: (1) Trusteehip under an Indenture dated as of January 15, 1975 (the "1975 Indenture") of the Company which was heretofore qualified under the Act; (2) trusteehip under an Indenture dated as of June 1, 1980 of PepsiCo Capital Resources, Inc. ("PCRI"), as Issuer, and the Company, as Guarantor (the "1980 Indenture"), which was heretofore qualified under the Act; (3) trusteehip under a Trust Agreement of the Puerto Rico Industrial, Medical and Environmental Pollution Control Facilities Financing Authority (the "Authority") dated as of May 1, 1981 (the "Trust Agreement") which was not qualified under the Act and under which the Authority assigned certain of its rights under a Loan Agreement (the "Loan Agreement") dated as of May 1, 1981 between the Authority and the Company, including the right to payment from the Company of amounts sufficient to enable the Authority to pay principal of, and interest and redemption payments (including redemption premium, if any) on, the bonds issued under the Trust Agreement; (4) trusteehip under an Indenture dated as of March 2, 1982 of PepsiCo Capital Corporation N.V., as issuer, and the Company, as Guarantor (the "March 1982 Indenture"), which was not qualified under the Act; and (5) trusteehip under an Indenture dated as of April 1, 1982 of PCRI, as Issuer, and the Company, as Guarantor (the "April 1982 Indenture"), which was heretofore qualified under the Act.

Section 310(b) of the Act, which is included in Section 8.08 of the 1975 Indenture and § 7.08 of the 1980 Indenture and the April 1982 Indenture, provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in each of such sections), it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (c)(1) of each of such sections provides, with certain exceptions stated therein and with the explicit exceptions of the 1975 Indenture contained in the 1980 Indenture and of the 1975, 1980, and March 1982 Indentures and the Trust Agreement contained in the April 1982 Indenture, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee

is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities, of the Company are outstanding.

The Company's application, filed pursuant to clause (ii) of section 310(b)(1) of the Act (as set forth in § 8.08 of the 1975 Indenture and in Section 7.08 of the 1980 Indenture and April 1982 Indenture), seeks a finding by the Commission that the trusteeships of Chase under the 1975, 1980 and April 1982 Indentures and under the Trust Agreement and the March 1982 Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chase from acting as trustee under any of such instruments.

The Company alleges that:

(1) May 1, 1982, it had outstanding \$100,000,000 aggregate principal amount of its 8½% Notes due 1985 issued under the 1975 Indenture (the "1975 Notes"). The 1975 Notes were registered under the Securities Act of 1933 (File No. 2-52659) and the 1975 Indenture was qualified under the Act.

(2) At May 1, 1982, PCRI had outstanding \$150,000,000 aggregate principal amount of its 10½% Guaranteed Notes due 1986 issued under the 1980 Indenture (the "1980 Notes"). The 1980 Notes are guaranteed by the Company pursuant to Section 2.09 of the 1980 Indenture and to guarantees set forth on the 1980 Notes. The 1980 Notes and the related Company guarantees were registered under the Securities Act of 1933 (File No. 2-67794) and the 1980 Indenture was qualified under the Act.

(3) At May 1, 1982, the Authority had outstanding \$16,000,000 aggregate principal amount of Industrial Revenue Bonds 1981 Series A (PepsiCo, Inc. Project) (the "Industrial Revenue Bonds") under the Trust Agreement. Under the Trust Agreement, the Authority assigned certain of its rights under the Loan Agreement, including the right to payment from the Company of amounts sufficient to enable the Authority to pay principal of, and interest and redemption payments (including redemption premium, if any) on, the Industrial Revenue Bonds. The Industrial Revenue Bonds were offered and sold in a transaction not involving any public offering, within the meaning of section 4(2) of the Securities Act of 1933, as amended, to a limited number of institutional investors who had such knowledge and experience in financial and business matters as to be capable of evaluating the merits and risks of the investment and were able to bear the

economic risks of the investment. The Industrial Revenue Bonds were therefore exempt from the registration requirements of the Securities Act of 1933 and the Trust Agreement was exempt from the qualification provisions of the Act.

(4) At May 1, 1982 PepsiCo Capital Corporation N.V. had outstanding \$125,000,000 principal amount of Zero Coupon Guaranteed Notes due March 2, 1994 (the "March 1982 Notes") issued under the March 1982 Indenture. The March 1982 Notes are guaranteed by the Company pursuant to Section 304 of the March 1982 Indenture and to guarantees set forth on the March 1982 Notes. The March 1982 Notes were issued by a corporation organized and existing under the laws of a foreign government and were not offered or sold directly or indirectly in the United States of America, its territories or possessions, or areas subject to its jurisdiction, or to nationals or residents thereof. The March 1982 Notes and the related Company guarantees were therefore exempt from the registration requirements of the Securities Act of 1933 and the March 1982 Indenture was exempt from the qualification provisions of the Act.

(5) As of May 1, 1982 PCRI had outstanding \$850,000,000 aggregate principal amount of its Zero Coupon Guaranteed Serial Debentures Due 1988-2012 (the "1982 Debentures"). The 1982 Debentures are guaranteed by the Company pursuant to Section 2.09 of the April 1982 Indenture and to guarantees set forth on the 1982 Debentures. The 1982 Debentures and the related Company guarantees were registered under the Securities Act of 1933 and the April 1982 Indenture was qualified under the Act.

(6) The 1975 Indenture, the 1980 Indenture, the Trust Agreement, the March 1982 Indenture, and the April 1982 Indenture are wholly unsecured and rank *pari passu inter se*.

(7) The Company's guarantees of the March 1982 Notes are neither superior nor inferior in right of payment to the 1975 Notes or the Company's guarantees of the 1980 Notes, or the 1982 Debentures.

(8) The Company's obligations under the Loan Agreement which were assigned to the Trustee under the Trust Agreement are neither superior nor inferior in right of payment to the 1975 Notes or the Company's guarantees of the 1980 Notes, or the 1982 Debentures.

(9) The Company is not in default under the 1975, 1980, or April 1982 Indentures or the 1975 Notes, the 1980 Notes, or the 1982 Debentures, nor is it in default under the Loan Agreement,

the March 1982 Indenture or the March 1982 Notes.

(10) Such differences as exist among the 1975 Indenture, the 1980 Indenture, the Trust Agreement, the March 1982 Indenture, and the April 1982 Indenture are not so likely to involve a material conflict or interest as to make it necessary in the public interest or for the protection of investors to disqualify Chase from acting as trustee under any of such instruments.

The Company has waived notice of hearing and any and all rights to a hearing and to specify procedures under the Rules of Practice of the Commission in connection with this matter.

For a more detailed statement of the matter of fact and law asserted, all persons are referred to said application which is on file in the office of the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after June 14, 1982, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939. Any interested person may, not later than June 14, 1982 at 5:30 P.M. Eastern Daylight Time, in writing, submit to the Commission, his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capital Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

By the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Shirley E. Hollis,
Assistant Secretary.

[FR Doc. 82-14097 Filed 5-21-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18742; File No. SR-MSE-82-5]

Self-Regulatory Organizations, Proposed Rule Change By Midwest Stock Exchange, Inc.; Relating to MSE Automatic Execution System (MAX)

Comments requested on or before
June 14, 1982.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 11, 1982, the Midwest Stock Exchange, Incorporated, filed with the Securities and Exchange Commission, the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The characteristics of the Midwest Order Handling and Execution System ("MAX") will be the following:

1. The system will route the following kinds of orders directly to the Co-Specialist:

- a. Retail orders only.
- b. Both market and limit orders.
- c. Only orders under 400 shares.

2. Market Orders (under 400 shares) will be executed automatically by the system at the best ITS bid and offer.

3. Limit orders (under 400 shares) will be executed manually by the Co-Specialist, on the "protect the limit" basis as provided for in the trading rules. Additionally, 300 shares will be executed whenever 500 shares trades in New York at a limit price.

4. Only orders in ITS eligible issues, being traded by MSE Co-Specialists, will be able to be routed and executed by the system. It is expected that firms that decide to use the MAX system will route orderflow to the Midwest in issues they select, rather than send orders in all eligible issues.

5. Only firms that are using wire networks (their own in-house system or a system purchased from a vendor like ADP or BTSI) for transmitting their orders to exchanges will be able to hook up to the MSE Order Handling and Execution System.

6. A Specialist is able to change the trade terms, i.e. improve the price after he becomes aware of a MAX order, by depressing the hold key on his terminal which tolls the running of the 30 second automatic execution time period. The hold button, however, will only toll the automatic execution for a maximum of 5 minutes.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included

statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.* The proposed rule change provides MSE Floor Members with a means by which they may increase their order flow while improving the efficiency of the market through the use of fully automated communications links nationally. The Automatic Execution System (MAX) enables orders in ITS eligible issues to be routed directly to the respective Specialists and such orders are executed automatically within the parameters of MSE Article XX, Rule 34, MSE's Guaranteed Execution System (BEST System). Prior to MAX, this function was performed manually. Upon implementation of MAX, such function became automated. The proposed rule change is consistent with section 6(b)(5) of the Act in that the automated order routing and execution capabilities of MAX facilitates transactions in securities and removes impediments to and perfect the mechanism of a free and open market and a national market system, while protecting investors and the public interest.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* The Midwest Stock Exchange, Incorporated does not believe that any burdens will be placed on competition as a result of the proposed rule change. Rather, it believes that it encourages the linking of all markets in the development of a national market system.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.* Comments have neither been solicited nor received from members or participants.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily

abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested person are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C.

Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before June 14, 1982.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 17, 1982.

Shirley E. Hollis,
Assistant Secretary.

[FR Doc. 82-14096 Filed 5-21-82; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-18745; File No. SR-MSRB-81-10]

Self-Regulatory Organizations, Proposed Rule Changes by Municipal Securities Rulemaking Board; Relating to Uniform Practice

Comments requested on or before
June 14, 1982.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 3, 1982, the Municipal Securities Rulemaking Board filed with the Securities and Exchange Commission the proposed rule changes as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to

solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Changes

(a) The Municipal Securities Rulemaking Board ("Board") is filing herewith an amendment (the "proposed amendment") to the proposed rule changes to rule G-12 relating to uniform practice contained in File No. SR-MSRB-81-10 (the "proposed rule changes"). The proposed rule changes, as modified by the proposed amendment, are, in pertinent part, as follows:

Rule G-12.* Uniform Practice

(a) Scope and Notice. (i) All transactions in municipal securities between any broker, dealer or municipal securities dealer shall be subject to the provisions of this rule, provided, however, that a transaction submitted to a registered clearing agency for comparison shall be exempt from the provisions of section (c) and, to the extent such transaction is compared by the clearing agency, section (d) of this rule, and a transaction which is settled or cleared through the facilities of a registered clearing agency [by a means which does not involve the physical delivery of securities] shall be exempt from the provisions of section (e) of this rule.

(ii) through (iii) No change. (b) through (1) No change.

II. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Changes

A. *Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Changes.* (a) Presently, Board rule G-12 on uniform practice excludes from its application transactions which are "compared, cleared and settled through the facilities of a clearing agency registered with the Commission." On June 1, 1981 the Board filed the proposed rule changes, which, among other matters, modify the existing exemption for transactions "cleared and settled" through a clearing agency to restrict it to only those transactions cleared and settled "by a means which does not involve the physical delivery of securities." The Board proposed to restrict the exemption in this fashion due to its concern that a single set of standards, those contained in rule G-

*[Brackets] indicate deletions.

12(e), should apply to all deliveries of actual municipal securities certificates.

The Board and the National Securities Clearing Corporation ("NSCC"), a registered clearing agency which offers automated comparison and clearance services for municipal securities transactions, have reached an understanding whereby both parties will consult and coordinate with each other to ensure that the delivery standards applying to municipal securities transactions under both Board and NSCC rules will be, to the extent possible, identical. Since this understanding essentially resolves the Board's concerns, the Board has adopted the proposed amendment, which would revise the proposed rule changes to broaden the exemptive provisions of proposed paragraph (a)(i) to cover all transactions which are settled or cleared through the facilities of a registered clearing agency, regardless of the actual means of delivery used.

(b) The Board has adopted the proposed amendment pursuant to section 15B(b)(2)(C) of the Securities Exchange Act of 1934, as amended, which establishes the Board's general authority

to foster cooperation and coordination with persons engaged in regulating, clearing, settling and processing information with respect to, and facilitating transactions in municipal securities. * * *

The proposed amendment and the proposed rule changes also will facilitate implementation of automated clearing systems consistent with the objectives of Section 17A of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition. The Board believes that the proposed amendment and the proposed rule changes will not impose any burden on competition since they provide technical adjustments to coordinate the standards and requirements of the Board's rule regarding clearance and settlement with the procedures normally used by registered clearing agencies.

C. Self-Regulatory Organization's Statement of Comments on the Proposed Rule Changes Received from Members, Participants, or Others. The Board neither solicited nor received comments on the proposed amendment. Certain aspects of the proposed amendment were discussed previously with representatives of the National Securities Clearing Corporation.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

On or before June 28, 1982 or within such longer period (i) as the Commission

may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 17, 1982.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-14089 Filed 5-21-82; 8:45 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0330]

Credito Investment Co., Inc.; License Surrender

Notice is hereby given that Credito Investment Company, Inc., Suite 1101, Banco Popular Center, Hato Rey, Puerto Rico 00918 has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). Credito Investment Company, Inc., was licensed by the Small Business Administration on October 1, 1969.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender of the license was accepted on May 4, 1982, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance, Program No. 59.011 Small Business Investment Companies)

Dated: May 17, 1982.

Robert G. Lineberry,
Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-14114 Filed 5-21-82; 8:45 am]
BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD-82-053]

Public Meeting: Additional LORAN—C Coverage in Alaska

AGENCY: Coast Guard, DOT.

ACTION: Notice of public meeting and public comment period.

SUMMARY: To improve the LORAN—C signal level in the Prince William Sound, Cook Inlet, Fairweather Fishing Grounds, and inside waters of southeast Alaska, the Coast Guard is considering adding another transmitting station to the Gulf of Alaska LORAN—C chain. Meetings are being held to receive information from the public to assist the Coast Guard in identifying problems in regard to the signal area and the impact of the service on the users. Interested persons are invited to attend a public meeting and present oral and written comments.

DATES: Public meetings will be held on May 28, 1982 from 11:00 a.m. to 1:00 p.m. (PDT) and from 6:00 p.m. to 8:00 p.m. (PDT). Written comments must be received by June 28, 1982.

ADDRESSES: The public meeting will be held in Room 117, Federal Building, Juneau, Alaska. Written comments should be submitted to and will be available for inspection or copying at the Aids to Navigation Branch, Room 863, Federal Building, Juneau, Alaska 99802, between the hours of 7:45 a.m. and 4:15 p.m. (PDT), Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Lt. R. G. Winter, Aids to Navigation Branch, Seventeenth Coast Guard District, Room 863, Federal Building, Juneau, Alaska 99802 ((907) 586-7757). Normal office hours are 7:45 a.m. to 4:15 p.m.

p.m., Monday through Friday, except holidays.

A. D. Utara,

Cdr. USCG, Regulations Officer.

May 19, 1982.

[FR Doc. 82-14128 Filed 5-21-82; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA); Special Committee 148—Airborne Radio Communication Equipment Operating in the Radio Frequency Range of 117.975–137.000 Megahertz; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 148 on Airborne Radio Communication Equipment Operating in the Radio Frequency Range of 117.975–137.000 Megahertz to be held on June 15–16, 1982 in RTCA First Floor Conference Room, 1717 H Street NW., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of First Meeting Held on March 23–24, 1982; (3) Review of Comments on New Intermodulation Test Procedures; (4) Review of Comments on Second Draft of Committee Report on Minimum Operational Performance Standards for Airborne Radio Communication Equipment Operating in the Radio

Frequency Range of 117.975–137.000 Megahertz; and (5) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street NW., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on May 14, 1982.

Karl F. Bierach,

Designated Officer.

[FR Doc. 82-13920 Filed 5-21-82; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-82-9]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions and corrections.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal

Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before June 14, 1982.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on May 18, 1982.

John H. Cassady,

Deputy Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
22785	Southern Gulf Helicopters, Inc.	14 CFR 43.3(h)	To permit petitioner's pilots to remove, check, and reinstall magnetic chip detector plugs on BH 206 series helicopters.
22789	Mr. John A. Wallis	14 CFR 141.5(b)	To allow petitioner to renew his pilot school certificate without having trained and recommended for pilot certification and rating tests at least 10 applicants for pilot certificates and ratings. He has graduated five students in the last 2 years, all of whom have passed the flight test the first time.
22795	The Go Group	14 CFR 91.200(b)	To relieve the petitioner from the shoulder harness requirements for jump seats on its Viscount aircraft.
22821	Louisiana-Pacific Corp.	14 CFR 135.89(b)(3)	To permit petitioner's Learjets and Grumman Gulfstream II airplanes to be operated at altitudes up to and including flight level 410 without at least one pilot at the controls wearing a secured and sealed oxygen mask that either supplies oxygen at all times or automatically supplies oxygen whenever the cabin pressure altitude exceeds 12,000 feet mean sea level.
22819	Liberty Airlines	14 CFR 121.61(d)(2)	To allow Mr. McBride to serve as chief inspector even though he does not meet the 1-year experience requirement as maintenance inspector on large aircraft with an air carrier, commercial operator, or certificated repair station.
22827	Atlantic Aviation Corp.	14 CFR 91.169	To permit petitioner to operate its helicopters under Part 91 Subpart D in the same manner as large and turbojet-powered multiengine civil airplanes.
22823	Mr. Dennis R. Anderson	14 CFR 61.155(d)(2)	To permit petitioner to credit all flight time which is logged in the rear cockpit of the USAF F-4 as second in command time toward the 1,500 hours total flight time requirement for an airline transport pilot certificate.
22693	Pennsylvania Airlines, Inc.	14 CFR 135.107	To permit petitioner to operate its DeHavilland DHC-6 Twin Otter Aircraft carrying 20 passengers without a flight attendant.
22543	Jetaway Air Service	14 CFR 135.89(b)(3)	To permit operation of Learjet 35A aircraft above 35,000 feet up to and including 41,000 feet without one pilot wearing an oxygen mask.
22955	Trans-Mediterranean Airways	14 CFR 91.303	To allow petitioner to temporarily operate noncomplying Boeing 707 aircraft in the U.S. from January 1, 1985, until December 31, 1986.

PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought
22997	Consulting Aerospace Engineers, Inc.	14 CFR 21.19(b)	To permit petitioner to provide the engineering and to direct the modification of Boeing 727-200 aircraft from the existing three Pratt-Whitney JT-8D engines to two Rolls Royce RB211-535C engines. This would allow upgrading of the series by installation of the latest state of the art engines, increased thrust, simplicity in the form of system and crew duties, and environmental acceptance from both noise and emission standards under a Supplemental Type Certificate.
22998	Lockheed-California Co.	14 CFR 21.19(b)	To permit petitioner to change the 727-200 series airplane from a three-engine airplane to a two-engine airplane without having to make a new application for a type certificate. This would allow upgrading of the series to a modern, fuel-efficient, quiet airplane without prohibitively high initial investment.
22998	Combined Aviation Co.	14 CFR 91.32 (b)(1)(i), (b)(1)(ii) and 135.89(b)(3).	To permit petitioner to operate its Gates Learjet 35A aircraft up to flight level 450 without either pilot being required to wear their oxygen mask, providing both pilots are at the controls and each pilot has a quick-donning type of oxygen mask.
22959	Messrs. William T. Bailey, Neil McClain, Ross Grady & Ivor Oberholtzer.	14 CFR 91.27 and 91.28	To provide for the issuance of a special flight authorization for four F-51D and one F-51D Canadian registered aircraft. These aircraft would be displayed and operated at air shows and maintenance would be performed as required.
22957	Johnson & Johnson Flight Operations	14 CFR 91.169 and 91.171	To permit petitioner to operate its Sikorsky S-76A helicopter in the same manner as large turbojet-powered multiengine civil airplanes under Part 191 Subpart D.
22961	Mr. Monty S. Young	14 CFR 61.133(b)	To permit petitioner to apply for a commercial pilot certificate with a glider rating without meeting the 20 flight aeronautical experience requirements.
22958	Suburban Airlines	14 CFR 135.2(d)	To permit petitioner to operate its Shorts Model 360 aircraft under the operating rules of Part 135 in lieu of the Part 121 domestic and supplemental rules.
22972	Air Transport Association	14 CFR Part 61 Appendix A and Part 121 Appendix E.	To permit the actual static airplane preflight inspection training and checking requirements for a pilot candidate for a rating in certain airplanes to be accomplished by using an advanced and approved pictorial means.
22833	Altair Airlines, Inc.	14 CFR 121.417(c)(1)	To only require one of petitioner's crewmember to operate the F-28 services door emergency exit in the "emergency mode" once during initial equipment training and require other crewmembers to physically handle the door after the emergency activation.
22952	Petroleum Helicopters, Inc.	14 CFR Part 21	To permit all aircraft of nine or less passengers, that are maintained by petitioner on the approved aircraft inspection program, to utilize the special flight permit with a continuous authorization to conduct ferry flights.
20495	Midwest Piper Flight, Inc.	14 CFR 135.261(b)	To permit petitioner's pilots, on helicopter emergency aerial medical evacuation service in support of the Wesley Medical Center to be assigned and to accept duty during flight time with less than 10 consecutive hours of rest during the 24-hour period preceding the planned completion of the assignment.
23037	Delta Air Lines, Inc.	14 CFR 121.349	To permit petitioner to substitute an Omega navigation system for one of two required automatic direction finder navigation systems required for operation.
22960	Aircraft At Your Call	14 CFR 135.89(b)(3)	To permit petitioner to operate their aircraft up to and including flight level 410 without at least one pilot at the controls wearing a secured and sealed oxygen mask that either supplies oxygen at all times or automatically supplies oxygen whenever the cabin pressure altitude exceeds 12,000 feet mean sea level.
22824	Piper Aircraft Corp.	14 CFR 91.33	To permit petitioner to install a 360° altitude indicator in lieu of a gyroscopic turn and bank indicator in its aircraft.
22625	Aerospatiale Helicopter Corp.	14 CFR 47.16(c)(3)	To allow petitioner to utilize temporary registration numbers in connection with its Dealers Registration Certificates.

DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
22472	Jerry T. Dennis	14 CFR 61.161(b)	To permit petitioner to apply for an airline transport pilot certificate with a rotorcraft rating not limited to visual flight rules even though he does not have at least 1,200 hours of flight time as a pilot within the last 8 years. <i>Granted April 7, 1982.</i>
21610	Acme Aircraft Co.	14 CFR 145.35(a) and 145.37(b)	Reconsideration of denial of petition to permit petitioner to obtain a repair station rating for the Convair series aircraft without meeting all of the housing and facility requirements. <i>Denied April 2, 1982.</i>
21591	Roger B. Stickney	14 CFR 61.161(b)	To allow petitioner to apply for an airline transport pilot certificate (ATPC) with a rotorcraft category rating when he does not meet the requirement to have had at least 1,200 hours of flight time as a pilot within the 8 years before the date he applies. <i>Granted April 7, 1982.</i>
22754	Arista International Airlines	14 CFR 121.311(f), and 121.318(b)(2)	To permit petitioner to operate its DC-8-62 C/F aircraft without having to install an additional public address system microphone in the cabin at an assigned flight attendant seat that is to be occupied by a flight attendant near a floor exit. The exemption would also allow the operation of that aircraft without complying with safety belt and shoulder harness requirements for cabin flight attendants. <i>Granted April 12, 1982.</i>
21961	Deere & Company	14 CFR 91.45	Reconsideration of Denial of petition 3421 to permit petitioner to conduct ferry flights with one engine inoperative, on its Lockheed Jetstar, without obtaining a special flight permit for each flight. <i>Granted April 12, 1982.</i>
22702	Northern Pacific Transport, Inc.	14 CFR 91.31(a)	To permit petitioner to operate its DC-6A aircraft at a 5 percent increased zero fuel and landing weight for the purpose of hauling perishable fish of the Alaskan fishing industry. <i>Granted April 19, 1982.</i>
22637	Clinchfield Coal Co.	14 CFR 91.23(a)(3)	To allow petitioner to reduce the required 45-minute IFR fuel reserve to 30 minutes for IFR operations conducted under Part 91 in a Bell 222 IFR certificated helicopter. <i>Granted April 19, 1982.</i>

DISPOSITIONS OF PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
18623	St. Louis Helicopter Airways, Inc.	14 CFR 135.261(b)	Extension of Exemption 2700A which allows petitioner to operate a helicopter in hospital emergency service without meeting the duty-time limitations. <i>Granted April 20, 1982.</i>
20049	Butler Aircraft Co. and T.B.M. Inc.	14 CFR 91.211(a)(1)	To permit petitioner to conduct training for its flightinews in its Douglas DC-8 and DC-7 aircraft without utilizing a flight engineer. <i>Granted April 26, 1982.</i>
22790	Quebecair, Inc.	14 CFR Part 21, §§ 91.165, 91.169 and Part 91, Subpart C.	To permit petitioner to operate a British Aerospace BAC 1-11/200 series aircraft, N1117J/MSN 099, to Quebecair, Inc., for a 180-day term pursuant to the terms of a lease which would obligate Quebecair to maintain the aircraft pursuant to FAA-approved continuous airworthiness maintenance program. <i>Granted April 29, 1982.</i>
20044	Air Transport Association of America	14 CFR 61.63(b) and 121.437(c)	Extension of Exemption No. 2965 which permits petitioner's member pilots employed by Part 121 certificate holders to be issued additional category and class ratings based on normal upgrade training to second in command. <i>Granted April 29, 1982.</i>
22878	Golden West Airlines Company	14 CFR 121.311(e)	To allow petitioner to operate, until July 15, 1982, its five Short SD3-30 airplanes without being equipped at each flight deck station with a combined safety belt and shoulder harness that meets the applicable requirements. <i>Granted May 11, 1982.</i>
22874	Lineas Aeras Costarricenses, S.A.	14 CFR Portions of Parts 21 and 91	To permit petitioner to operate a leased single DC-8-55P U.S.-registered aircraft using an FAA-approved Master Minimum Equipment List. <i>Granted May 11, 1982.</i>
21357	Bendix Instruments and Life Support Division	14 CFR 21.613	To permit termination of several obsolete TSOs without the expense of reproducing and shipping files to the FAA. <i>Granted March 11, 1982.</i>
21381	Tennessee Airways	14 CFR 135.297(b)	To allow petitioner's pilots in command to conduct operations without satisfactorily demonstrating a nonreciprocal beacon approach during the sixth calendar month instrument proficiency check. <i>Cancelled April 21, 1982.</i>
21667	Mr. Louis J. Gotsen	14 CFR 61.161(b) and 61.161(b)(3)	To permit petitioner to obtain an airline transport pilot certificate with a rotorcraft rating even though he does not have at least 1,200 hours of flight time as a pilot within the last 8 years including at least 15 hours in rotorcraft at night. <i>Partial grant May 5, 1982.</i>
22271	Michigan Wisconsin Pipe Line Company	14 CFR 91.169 and 91.181(a)	To permit petitioner to operate 12 helicopters under Subpart D of Part 91 in the same manner as large and turbojet powered multiengine civil airplanes. <i>Granted May 4, 1982.</i>
22409	Interstate Airlines	14 CFR 91.305	To allow petitioner to temporarily operate B-727 aircraft in the U.S. without the required 50 percent fleet compliance with the noise standards. <i>Partial grant March 8, 1982.¹</i>

¹ NOTE.—This disposition was previously incorrectly published showing that it was a partial grant for a B707.

[FR Doc. 82-14034 Filed 5-21-82; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration Environmental Impact Statement; Washington, D.C.

AGENCY: Federal Highway
Administration (FHWA), DOT.
ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental document appropriate to the selected alternative's class of action will be prepared for a proposed highway project in the District of Columbia.

FOR FURTHER INFORMATION CONTACT:

William A. Sussmann, Jr., Field
Operations Engineer, Federal
Highway Administration, 666 11th
Street, NW., McLachlen Bldg., Room
1000, Washington, D.C. 20001,
Telephone (202) 724-3379
Lynne Robinson, Project Manager,
District of Columbia Department of
Transportation, 415 12th Street, NW.,
Rm. 519, Washington, D.C. 20004,
Telephone (202) 727-5766

SUPPLEMENTARY INFORMATION: The
FHWA in cooperation with the District

of Columbia Department of
Transportation, will prepare an
environmental document and 4(f)
evaluation to explore, define and
evaluate regional and local impacts of
alternatives to modify the freeway
system in the Whitehurst Freeway
Corridor through Georgetown. The
existing freeway facility is an elevated
structure carrying four through traffic
lanes above K Street between Key
Bridge and Rock Creek Park. The
structure is in need of major
rehabilitation or replacement to
accommodate present and future traffic.

Identified alternatives are a modified
elevated freeway, a K Street level
facility with and without a service road,
and a do-nothing alternative. Modifications or refinements of these
plans will be considered as additional
alternatives. The alternatives to be
developed in the study will be designed
to provide optimum traffic service and
will be based on transportation system
management principles. That is, the
alternatives will not create additional
inducement for automobile commuting
nor generate additional travel.

The EIS process will include public
participation, identification of goals and
evaluation criteria, and scoping
meetings. Possible alternatives will be
studied and screened based on
determined goals and objectives,
evaluation criteria, and public input. To
ensure that the full range of issues
related to this action are addressed,
comments and suggestions are invited
from all interested parties and should be
directed to the Federal Highway
Administration and D.C. Department of
Transportation as indicated above.

(Catalog of Federal Domestic Assistance
Program Number 20.205, Highway Research,
Planning and Construction. The provisions of
OMB circular No. A-95 regarding State and
Local clearinghouse review of Federal and
federally assisted programs and projects
apply to this program).

Issued on: May 18, 1982.

William A. Sussmann, Jr.
Field Operations Engineer, Washington, D.C.

[FR Doc. 82-14097 Filed 5-21-82; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular Public Debt Series—
No. 14-82]

Treasury Notes of August 15, 1987;
Series F-1987

May 19, 1982.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$3,750,000,000 of United States securities, designated Treasury Notes of August 15, 1987, Series F-1987 (CUSIP No. 912827 NG 3). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated June 2, 1982, and will bear interest from that date, payable on a semiannual basis on February 15, 1983, and each subsequent 6 months on August 15 and February 15 until the principal becomes payable. They will mature August 15, 1987, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of

securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a latter date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Tuesday, May 25, 1982. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, May 24, 1982, and received no later than Wednesday, June 2, 1982.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed \$1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks),

or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a $\frac{1}{8}$ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4, must be made or completed on or before Wednesday, June 2, 1982. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, May 28, 1982. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor.

Fiscal Assistant Secretary.

[FR Doc. 82-14138 Filed 5-20-82; 10:51 am]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Cooperative Studies Evaluation Committee; Renewal

This is to give notice in accordance with the Federal Advisory Committee Act (Pub. L. 92-463) of October 6, 1972, that the Cooperative Studies Evaluation Committee has been renewed by the Administrator of Veterans Affairs for a two year period beginning May 2, 1982 through May 2, 1984.

Dated: May 17, 1982.

Robert P. Nimmo,

Administrator.

[FR Doc. 82-14090 Filed 5-21-82; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 47, No. 100

Monday, May 24, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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CIVIL AERONAUTICS BOARD

[M-351 (Amdt. 1), May 18, 1982]

Addition to the May 19, 1982 Board Meeting and Revised List of Persons Expected To Attend

TIME AND DATE: 9:30 a.m., May 19, 1982.

PLACE: Room 1012, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

5. Discussions with Chile. (BIA)

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-776-82 Filed 5-20-82; 4:00 pm]

BILLING CODE 6320-01-M

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CIVIL AERONAUTICS BOARD

[M-354, May 18, 1982]

Notice of Presentation

TIME AND DATE: 10 a.m., May 25, 1982.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: Presentation to the Board regarding Aeroamerica's activities.

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-777-82 Filed 5-20-82; 4:00 pm]

BILLING CODE 6320-01-M

3

CIVIL AERONAUTICS BOARD

[M-353 (Amdt. 1), May 19, 1982]

Notice of Deletions From and Addition To the May 20, 1982 Board Meeting

TIME AND DATE: 10 a.m., May 20, 1982.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

Addition: 8a. Discussion of the Allocation of Braniff Slots at Dallas-Ft. Worth. (OGC)

Deletion: 9. Docket 40545, CAB Recommendations to the FAA concerning the Interim Operations Plan. (OGC)

Deletion: 15. Dockets EAS-765 and EAS-792, Appeal of Berlin, New Hampshire and Newport, Vermont for inclusion in the small communities program under section 419(b) of the Act. (BDA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-778-82 Filed 5-20-82; 4:00 pm]

BILLING CODE 6320-01-M

4

CIVIL AERONAUTICS BOARD

[M-352, May 17, 1982]

Addition to the May 13, 1982 Closed Board Meeting

TIME AND DATE: 10 a.m., May 13, 1982.

PLACE: Room 1012, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: Discussions with Panama.

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-779-82 Filed 5-20-82; 4:00 pm]

BILLING CODE 6320-01-M

5

CIVIL AERONAUTICS BOARD

[M-351 (Amdt. 1), May 18, 1982]

Additinal to the May 19, 1982 Board Meeting and Revised List of Persons Expected to Attend.

TIME AND DATE: 9:30 a.m., May 19, 1982.

PLACE: Room 1012, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: 5. Discussions with Chile. (BIA)

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-780-82 Filed 5-20-82; 4:00 pm]

BILLING CODE 6320-01-M

6

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 9:30 a.m. (eastern time), Tuesday, May 25, 1982.

PLACE: Commission Conference Room 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED: Open:

1. Ratification of Notation Votes.

2. Freedom of Information Act Appeal No. 82-3-FOIA-65, concerning a request for access to information contained in a Title VII charge of discrimination case file, where requestor is not a party.

3. Freedom of Information Act Appeal No. 82-FOIA-154-03-CH, concerning a request for four open age discrimination charge files.

4. Freedom of Information Act Appeal No. 82-03-FOIA-20-PA, concerning a request for certain documents contained in a reopened Title VII charge of discrimination.

5. Transfer of Sensitive Correspondence Control from the Office of Administration to the Executive Secretariat.

6. Report on Commission Operations by the Executive Director.

Closed:

1. Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer Executive Secretariat, at (202) 634-6748.

This Notice Issued May 18, 1982.

[S-783-82 Filed 5-20-82; 9:45 am]

BILLING CODE 6570-06-M

7

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 12:40 p.m. on Saturday, May 15, 1982, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to (1) receive sealed bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Community Bank of Washtenaw, Ypsilanti Township (P.O. Ypsilanti), Michigan, which was closed on May 15, 1982, by the Michigan Banking Department; (2) accept the bid for the transaction submitted by Michigan National Bank—Ann Arbor, Ann Arbor, Michigan; and (3) provide such financial assistance, pursuant to section 13(e) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)), as was necessary to effect the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Doyle L. Arnold, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: May 18, 1982.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Deputy Executive Secretary.

(S-706-82 Filed 5-20-82; 11:11 am)

BILLING CODE 6714-01-M

8

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meetings

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, May 17, 1982, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the

Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Request of State Bank and Trust Company, Unadilla, Georgia, for reconsideration of a previous denial of its application for consent to merge, under its charter and title, with Bank of Pinehurst, Pinehurst, Georgia, and to establish the sole office of Bank of Pinehurst as a branch of the resultant bank.

Recommendation regarding First Pennsylvania Bank N.A., Bala-Cynwyd, Pennsylvania, and First Pennsylvania Corporation, Philadelphia, Pennsylvania. Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,223-L—Franklin National Bank, New York, New York.

Case No. 45,228-L—Aquila Bank and Trust Company, Stafford, Virginia.

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

By the same majority vote, the Board also voted to withdraw from the agenda for consideration in open session and to add to the agenda for consideration at the Board's closed meeting held at 2:30 p.m. the same day, the application of Liberty Bank, a proposed new bank, to be located at 4482 West Peoria Avenue, Glendale, Arizona, for Federal deposit insurance.

In voting to move this matter from open session to closed session, the Board further determined, by the same majority vote, that the public interest did not require consideration of the matter in a meeting open to public observation; that the matter could be considered in a closed meeting by authority of subsections (c)(8), (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. (c)(8), (c)(9)(A)(ii)); and that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: May 18, 1982.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Deputy Executive Secretary.

(S-706-82 Filed 5-24-82; 8:45 am)

BILLING CODE 6714-01-M

9

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in

the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, May 17, 1982, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director C. T. Conover (Comptroller of the Currency), concurred in by Director Irvine H. Sprague (Appointive), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,205—The Greenwich Savings Bank, New York, New York.

By the same majority vote, the Board determined that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: May 18, 1982.

Alan J. Kaplan,

Deputy Executive Secretary.

(S-707-82 Filed 5-20-82; 11:12 am)

BILLING CODE 6714-01-M

10

FEDERAL ENERGY REGULATORY COMMISSION

May 19, 1982.

TIME AND DATE: 10 a.m., May 26, 1982.

PLACE: Room 9306, 825 North Capitol Street NE., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

*Note.—Item listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE

INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda—751st Meeting, May 26, 1982, Regular Meeting (10 a.m.)

CAP-1. Project No. 5912-000, Moosehead Manufacturing Co.

CAP-2. Project No. 4805-003, Victor W. Page and Laverta W. Page

CAP-3. Project No. 4885-002, South Fork Resources, Inc.

CAP-4. Project No. 4893-001, City of Redding, California

CAP-5. Project No. 176-003, 176-008, 176-009 and 176-010, Escondido Mutual Water Co.

CAP-6. Project No. 4329-001, Consolidated Hydroelectric, Inc.; Project No. 4953-001, Modesto Irrigation District; Project No. 4973-000, City of Rohnert Park, California; Project No. 5374-000, Tehama County Flood Control and Water Conservation District

CAP-7. Project No. 67, Southern California Edison Co.; Project No. 2904, Cities of Anaheim and Riverside, California

CAP-8. Project No. 3322-000, Public Utility District No. 1 of Mason County

CAP-9. Project No. 4515-002, E. R. Jacobson; Project No. 5413-002, Palisade Irrigation District

CAP-10. Project No. 5312-001, J. R. Ferguson and Associates Project No. 5337-001, Westfir Energy Co., Inc.

CAP-11. Project No. 2621-001, Milliken and Co.

CAP-12. Project No. 943-001, Public Utility District No. 1 of Chelan County, Washington

CAP-13. Project No. 4915-000, 4951-001 and 4951-002, the Public Utility Commission of the City and County of San Francisco, California

CAP-14. Project No. 5996-001, City of Dover, New Hampshire

CAP-15. Project No. 2695-001, Hydro Development Group, Inc.

CAP-16. Docket No. ER79-478-003, Public Service Co. of New Mexico

CAP-17. Docket No. ER82-257-002, Kansas Gas & Electric Co.

CAP-18. Docket No. ER82-426-000, Jersey Central Power & Light Co.

CAP-19. Docket No. ER82-412-000, Kansas Gas & Electric Co.

CAP-20. Docket No. ER82-435-000, Central Louisiana Light Co.

CAP-21. Docket No. ER82-410-000, New York State Electric & Gas Corp.

CAP-22. Docket No. ER82-427-000, Southern California Edison Co.

CAP-23. Omitted

CAP-24. Omitted

CAP-25. Docket No. ER82-424-000, The Toledo Edison Co.

CAP-26. Docket No. ER82-444-000, Michigan Power Co.

CAP-27. Docket No. ER82-538-000, Carolina Power & Light Co.

CAP-28. (a) Docket Nos. ER80-592-000, et al., Allegheny Power System, et al.; Docket Nos. ER80-595-000, ER80-599-000, ER80-603-000, ER80-606-000, ER80-627-000, ER80-661-000, ER80-674-000, ER80-675-000, and ER80-731-000, Illinois Power Co. (b) Docket Nos. ER80-592-000, et al., Allegheny Power System, et al.; Docket Nos. ER80-620-000, ER80-720-000, ER80-721-000, ER80-722-000 and ER80-726-000, Dayton Power & Light Co.

CAP-29. Docket No. ER81-426-000, El Paso Electric Co.

CAP-30. Docket No. ER82-54-000, Southern Company Services, Inc.

CAP-31. Docket Nos. ER81-187-001 and ER82-101-001, Public Service Co. of New Mexico

CAP-32. Docket No. ER78-367, Coal Strike Investigation

CAP-33. Project No. 3592-000, Fluid Energy Systems, Inc.; Project No. 4125-000, Kern County Water Agency; Project No. 4805-001, V. W. & L. W. Page

CAP-34. Project No. 4842-002, 4843-001, 4845-000, 4846-001, 4847-001, 4852-001, 4853-001, 4859-001, 4861-001, 4862-001, 4863-001, 4869-001, 4870-001, 4871-001, 4872-001, 4873-001, 4874-001, 4875-001, 4876-001, 4877-001, 4878-001, 4879-001, 4880-001, 4901-001, 4936-001, 4987-001, 4988-001, 4995-001, 4996-001, 4998-001, 5007-001, 5015-001, 5036-001, 5048-001, and 5049-001, Modesto Irrigation District

CAP-35. Project No. 4840-002, 4841-000, 4842-000, 4843-000, 4844-000, 4845-000, 4846-000, 4847-000, 4852-000, 4853-000, 4859-000, 4860-000, 4861-000, 4862-000, 4863-000, 4869-000, 4870-000, 4871-000, 4872-000, 4873-000, 4874-000, 4875-000, 4876-000, 4877-000, 4878-000, 4879-000, 4880-000, 4901-000, 4936-000, 4937-000, 4952-000, 4953-000, 4987-000, 4988-000, 4995-000, 4996-000, 4997-000, 4998-000, 5007-000, 5008-000, 5009-000, 5013-000, 5014-000, 5015-000, 5036-000, 5048-000, and 5049-000, Modesto Irrigation District

CAP-36. Docket No. ER80-567-000, Wisconsin Electric Power Co.

CAP-37. Docket No. ER78-338-001, Public Service Co. of New Mexico

CAP-38. Docket No. ER77-578-000, Kansas Gas & Electric Co.

CAP-39. Project No. 5570, Richard Bean, Fred Castagna and T. Owen; Project No. 5683, Modesto Irrigation District; Project No. 5864, West Slope Power Co.

Consent Miscellaneous Agenda

CAM-1. Docket No. QF82-86-000, Consortium of Alternate Energies

CAM-2. Docket No. QF82-32-000, J. Clyde Roberson—Small Power Production and Cogeneration Facilities

CAM-3. Docket No. RM79-76 (New Mexico—8), High-cost gas produced from tight formations

CAM-4. Docket No. RM79-76 (Colorado—24), High-cost gas produced from tight formations

CAM-5. Docket No. GP82-22-000, United States Geological Survey Section 108 determinations, Getty Oil Co., A. B. Coates "C" Well No. 19, Lea County, New Mexico, MMS Docket No. NM-0830-80, FERC No. JD81-00956, A. B. Coates "C" Well No. 23, Lea County, New Mexico, MMS Docket No. NM-0828-80, FERC No. JD80-58396

CAM-6. Docket No. RO81-54-000, Kenneth H. White Co., Inc.

CAM-7. Docket No. RA81-58-000, Newhall Refining Co., Inc.

CAM-8. Docket No. RA82-11-000, Raymond Oil Co.

Consent Gas Agenda

CAG-1. Docket No. RP77-54-010 and RP77-55-000, Arkansas Louisiana Gas Co.

CAG-2. Docket No. RP82-51-001, Mid Louisiana Gas Co.

CAG-3. Docket No. TA82-2-56, Valero Interstate Transmission Co.

CAG-4. Omitted

CAG-5. Omitted

CAG-6. Docket No. RP82-14-000, Mountain Fuel Resources, Inc.

CAG-7. Docket No. RP82-87-000, National Fuel Gas Supply Corp.

CAG-8. Docket No. RP82-88-000, Columbia Gas Transmission Corp.

CAG-9. Docket No. Omitted

CAG-10. Docket No. RP81-113-999, Midwestern Gas Transmission Co.

CAG-11. Docket Nos. RM78-23 and RM81-37, El Paso Natural Gas Co.

CAG-12. Docket No. TA82-1-25-001 (PGA82-1), Mississippi River Transmission Corp.

CAG-13. Docket No. RP82-71-000, Northern Natural Gas Co.

CAG-14. Docket No. RP82-72-000, Hampshire Gas Co.

CAG-15. Docket No. RP82-74-000, Texas Gas Transmission Corp.

CAG-16. Docket No. RP82-79-000, Louisiana-Nevada Transit Co.

CAG-17. Docket Nos. RP82-80-000, and RP81-61-000, Michigan Wisconsin Pipe Line Co.

CAG-18. Docket No. RP82-81-000, Inter-City Minnesota Pipelines Ltd., Inc.

CAG-19. Docket No. RP82-82-000, Honeoye Storage Corp.

CAG-20. Docket No. RP82-83-000, Gas Transport, Inc.

CAG-21. Docket No. RP82-84-000, Montana-Dakota Utilities Co.

CAG-22. Docket No. RP82-85-000, Western Gas Interstate Co.

CAG-23. Docket No. RP82-73-000, Ohio River Pipeline Corp.

CAG-24. Docket Nos. RP82-75-000, and RP82-76-000, Arkansas Louisiana Gas Co.

CAG-25. Docket TA82-2-42-000, Transwestern Pipeline Co.

CAG-26. Docket Nos. TA81-2-11-000, (PGA81-2, IPR81-2, LFUT81-2) and TA82-1-11-000 (PGA82-1, IPR82-1, GRI82-1) (not consolidated), United Gas Pipe Line Co.

CAG-27. Docket No. RP80-145-000, Columbia Gulf Transmission Co.; Docket No. RP80-146-000, Columbia Gas Transmission Co.

CAG-28. Docket No. RP82-34-000, Michigan Gas Storage Co.

CAG-29. Docket No. ST82-55-000, Supenn Pipeline.

CAG-30. Docket No. CI64-26-007, Gulf Oil Co.

CAG-31. Docket No. CI81-332-001, ANR Production Co.; Docket No. CI82-201-002, The Superior Oil Co.; Docket Nos. CI82-187-001, and CI82-182-001, Texasgulf Inc.; Docket No. CI82-147-001, Pennzoil Oil & Gas, Inc.; Docket No. CI82-150-001, Pogo Production Co.; Docket No. G-13758-003, Conoco Inc.; Docket No. CI82-180-000, Sun Exploration & Production Co.; Docket No. CI74-392-004, Exxon Corp.; Docket No. CI82-124-001, (CI67-522), Mitchell Energy Corp.; Docket No. CS72-203-003, Petro-Lewis Funds, Inc.; Docket No. CS73-158-005, Partnership Properties Co.; Docket No. CS71-656-001, A. R. Dillard, Jr. and Cobra Oil & Gas Corp.; Docket No. CI82-198-000, Transco Exploration Co.; Docket No. CI82-146-001, King Ranch Inc.; Docket No. CI71-484-001, Pomfret Production Co., Inc. (National Exploration Co.)

CAG-32. Docket No. CI82-195-000, Timerlay Petroleum Corp.

CAG-33. Docket No. CP82-101-001, Southern Natural Gas Co.

CAG-34. Docket No. CP82-112-001, Southern Natural Gas Co. and Northern Natural Gas Co., Division of Internorth, Inc.

- CAG-35. Docket No. CP82-24-000, Texas Eastern Transmission Corp.
 CAG-36. Docket No. RP82-165-000, Public Service Electric & Gas Co., applicant; Transcontinental Gas Pipe Line Corp., respondent hio Gas Co.
 CAG-38. Docket No. CP89-328, Panhandle Eastern Pipe Line Co.
 CAG-39. Docket No. CP80-527-000, El Paso Natural Gas Co.
 CAG-40. Docket No. CP82-201-000, Cities Service Gas Co.
 CAG-41. Docket No. CP81-473-000, Florida Gas Transmission Co.
 CAG-42. Docket No. CP82-21-000, Great Lakes Gas Transmission Co.
 CAG-43. Docket Nos. CP82-63-000, and CP82-63-001, Montana-Dakota Utilities Co.
 CAG-44. Docket No. CP82-257-000, Arkansas Louisiana Gas Co.
 CAG-45. Docket No. CP76-362-003, Texas Eastern Transmission Corp.; Docket No. CP77-568-012, Texas Eastern Transmission Corp. and Natural Gas Pipeline Co. of America; Docket No. CP81-512-000, Texas Eastern Transmission Corp., Transcontinental Gas Pipe Line Corp. and Natural Gas Pipeline Co. of America
 CAG-46. Docket Nos. CP82-1-000 and CP82-272-000, Texas Eastern Transmission Corp.
 CAG-47. Docket Nos. CP82-34-000 and CP82-34-001, Northern Natural Gas Co., Division of Internorth Inc.
 CAG-48. Docket No. TA82-2-57-000 (PGA82-1), Western Transmission Corp.
 CAG-49. Docket No. RP82-78-000, Ringwood Gathering Co.
 CAG-50. Docket Nos. RP81-81-004, and RP82-16-001, United Gas Pipe Line
 CAG-51. Docket No. RP82-55-001, Transcontinental Gas Pipe Line Corp.
 CAG-52. Docket Nos. TA82-2-33-003, 004, 005, 007, 008 and 009, El Paso Natural Gas Co.

I. Licensed Project Matters

- P-1. Project No. 2812-002, Appalachian Power Co.
 P-2. Project No. 5234-001, County of Calaveras, California
 P-3. Omitted

II. Electric Rate Matters

- ER-1. Docket Nos. ER82-200-001, and ER82-200-002, Maine Public Service Co.
 ER-2. Docket No. ER80-71-000, Central Illinois Public Service Co.
 ER-3. Docket No. ER77-277-002, (phase II), Pennsylvania Power Co.
 ER-4. Docket No. RP77-347-000, Wisconsin Power & Light Co.
 ER-5. Omitted
 ER-6. Omitted
 ER-7. Docket Nos. EL82-7-000 and EL82-12-000, Wheelabrator Frye, Inc.
 ER-8. Docket Nos. QF82-48-000 and EL82-5-000, Norvev Demonstration Geothermal Co.
 ER-9. Docket Nos. ER77-175-000 and ER78-19-000 (phase II), et al., Florida Power & Light Co.
 ER-10. Docket No. ER82-414-000, Ohio Edison Co.
 ER-11. Docket No. ER82-423-000, Virginia Electric & Power Co.

Miscellaneous Agenda

- M-1. Docket No. QF82-80-000, Windfarms, Ltd., Small power production and cogeneration facilities qualifying status
 M-2. Reserved
 M-3. Reserved
 M-4. Docket No. RM82- , Fees applicable to natural gas pipelines
 M-5. Docket No. RM81-19, Interstate pipeline certificates for routine transactions

Gas Agenda

I. Pipeline Rate Matters

- RP-1. Docket Nos. RP81-18-001 and CP75-104-024, et al., High Island Offshore System

II. Producer Matters

- CI-1. Reserved

III. Pipeline Certificate Matters

- CP-1. Docket No. CP74-192-005 (remand), Florida Gas Transmission Co.
 CP-2. Docket Nos. CP81-107-002, CP81-107-003, CP81-107-000, CP81-108-000, Boundary Gas, Inc.; Docket Nos. CP81-296-000 and CP81-298-000, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
 CP-3. Docket No. CP82-33-001, Northern Natural Gas Co., Division of Internorth Inc.; Docket No. CP82-101-000, Southern Natural Gas Co.; Docket No. CP82-114-000, Tennessee Gas Pipeline, a Division of Tenneco Inc.
 CP-4. Omitted
 CP-5. Docket Nos. CP78-123, et al., Alaskan Northwest Natural Gas Transportation Co.
 Kenneth F. Plumb,
 Secretary.

[S-774-82 Filed 5-20-82; 3:52 pm]

BILLING CODE 6717-02-M

11

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 47, no page number at this time. No date of publication at this time.

PLACE: Board Room, Sixth floor, 1700 G Street NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The Bank Board meeting previously scheduled for Thursday, May 20, 1982, at 10:00 a.m., has been changed to 10:30 a.m.

[No. 36, May 20, 1982]

[S-784-82 Filed 5-20-82; 11:09 am]

BILLING CODE 6720-01-M

12

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m., Thursday, May 27, 1982.

PLACE: Board Room, Fifth floor, 1700 G Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED:

- Request for Modification of Insurance Condition—(Proposed) Franklin Savings and Loan Association, Southfield, Michigan
 Request for Modification of Insurance Condition—(Proposed) Bloomfield Savings and Loan Association, Bloomfield Township, Michigan
 Debt Application—The Leavell Company ("Leavell"), El Paso, Texas
 Bank Membership and Insurance of Accounts—First American Savings and Loan Association, Yellville, Arkansas
 Bank Membership and Insurance of Accounts—South Bay Savings and Loan Association, Gardena, California

[No. 37, May 20, 1982]

[S-798-82 Filed 5-20-82; 11:28 am]

BILLING CODE 6720-01-M

13

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

May 19, 1982.

TIME AND DATE: 10 a.m., Wednesday, May 26, 1982.

PLACE: 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The

Commission will hear oral argument in the following case:

1. Southwestern Illinois Coal Corporation, Docket No. LAKE 80-216. (Issues include whether the judge erred in vacating a citation alleging a violation of 30 CFR 77.1710, dealing with the wearing of safety equipment.)

11:00 a.m., following above case, argument will be heard in:

2. Monterey Coal Company, Docket Nos. LAKE 80-413-R and LAKE 81-59. (Issues include whether judge erred in vacating a citation alleging a violation of 30 CFR 77.216(c), dealing with impoundments.)

2:30 p.m., the Commission will consider and act upon the following in a closed meeting (Pursuant to 5 U.S.C. 552(c)(10))

3. Southwestern Illinois Coal Corporation, Docket No. LAKE 80-216, and Monterey Coal Company, Docket Nos. LAKE 80-413-R, LAKE 81-59.

Vote.—Voting to close the Meeting: Chairman Collyer and Commissioners Backley, Jestrab, Commissioner Lawson voted to open.

CONTACT PERSON FOR MORE

INFORMATION: Jean Ellen (202) 653-5632.

[S-773-82 Filed 5-20-82; 3:52 pm]

BILLING CODE 7635-01-M

14

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 11 a.m., Thursday, May 20, 1982. The business of the Board required that this meeting be held with less than one week's advance notice to the public, and no earlier announcement of the meeting was practicable.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: May 20, 1982.

James McAfee,

Associate Secretary of the Board.

[S-775-82 Filed 5-20-82; 3:58 pm]

BILLING CODE 6210-01-M

15

INTERNATIONAL TRADE COMMISSION

[USITC SE-82-19]

TIME AND DATE: 2:30 p.m., Wednesday, June 2, 1982.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20435.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigations 701-TA-154 (Preliminary) (Stainless Steel Bar and Wire Rod from Spain)—briefing and vote.
6. Investigation 701-TA-155/163 (Preliminary) (Certain Steel Products from Spain)—briefing and vote.
7. Investigation 731-TA-92 (Preliminary) (Stainless Steel Sheet and Strip from West Germany)—briefing and vote.
8. Any items left over from previous agenda.

CONTACT PERSON FOR MORE

INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-771-82 Filed 5-20-82; 1:31 pm]

BILLING CODE 7020-02-M

16

NATIONAL MEDIATION BOARD

TIME AND DATE: 2 p.m., Tuesday, June 1, 1982.

PLACE: Board Hearing Room, Eighth floor, 1425 K. Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of Board actions taken by notation voting during the month of May, 1982.
2. Other priority matters which may come before the Board for which notice will be given at earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's office following the meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Secretary; Tel: (202) 523-5920.

Dated: May 20, 1982.

[S-772-82 Filed 5-20-82; 3:52 pm]

BILLING CODE 7550-01-M

17

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 19507, May 5, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., May 20, 1982.

CHANGES IN THE MEETING: This meeting has been rescheduled for 10 a.m. on the same date.

Dated: May 19, 1982.

[S-762-82 Filed 5-19-82; 4:13 pm]

BILLING CODE 7600-01-M

18

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meeting during the Week of May 17, 1982, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Thursday, May 20, 1982, at 2:30 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Shad and Commissioners Loomis, Evans and Longstreth voted to

consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Thursday, May 20, 1982, at 2:30 p.m., will be:

Settlement of administrative proceedings of an enforcement nature.
Institution of administrative proceedings of an enforcement nature.
Institution of injunctive actions.
Institution of injunctive action and regulatory matter bearing enforcement implications.
Formal orders of investigation.
Freedom of Information Act appeals.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Jerry Marlatt at (202) 272-2092.

May 18, 1982.

[S-770-82 Filed 5-20-82; 12:13 pm]

BILLING CODE 8010-01-M

19

UNITED STATES RAILWAY ASSOCIATION

DATE AND TIME: May 27, 1982; 2 p.m.

PLACE: Board Room, Room 2-500, fifth floor, 955 L'Enfant Plaza North SW., Washington, D.C.

STATUS: The first portion of the meeting will be closed to the public; the second portion will be open.

MATTERS TO BE CONSIDERED BY THE USRA BOARD OF DIRECTORS: Portion closed to the public (2:00 p.m.):

1. Internal Personnel Matters.
2. Litigation Report.
3. Review of Conrail Confidential and Proprietary Financial Information.
4. Review of Delaware & Hudson Confidential and Proprietary Financial Information.

Portion open to the public (2:30 p.m.):

5. Approval of Minutes of April 12 Board Meeting.
6. Waiver of Financing Agreement—Conrail Five-Year Plan.
7. Delaware & Hudson Loan Principal and Interest Deferrals.
8. Conrail Monitoring Indicators.

CONTACT PERSON FOR MORE

INFORMATION: Alex Bilanow, (202) 488-8777, ext. 505.

[S-769-82 Filed 5-20-82; 12:11 pm]

BILLING CODE 8240-01-M

20

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that the following matter is expected to be added to the "Discussion Agenda" for consideration by the Corporation's Board of Directors at its open meeting to be held at 2:00 p.m. on Monday, May 24, 1982:

Memorandum and Resolution re: Proposed new Part 350 of the Corporation's rules and regulations, to be entitled "Special Reporting

Basis for Insured Savings Banks," which would provide savings banks with the ability to restructure their asset portfolios while placing a market discipline over their decisions to acquire or hold investment securities by (1) requiring insured savings banks to report all debt and equity securities acquired after January 1, 1983 on a fair value basis for purposes of preparing their Reports of Condition and Income that are filed with the FDIC, and (2) permitting insured savings banks to defer and amortize gains and losses on dispositions of financial assets acquired prior to January 1, 1983.

No earlier notice of the change in the subject matter of the meeting was practicable.

Dated: May 20, 1982.

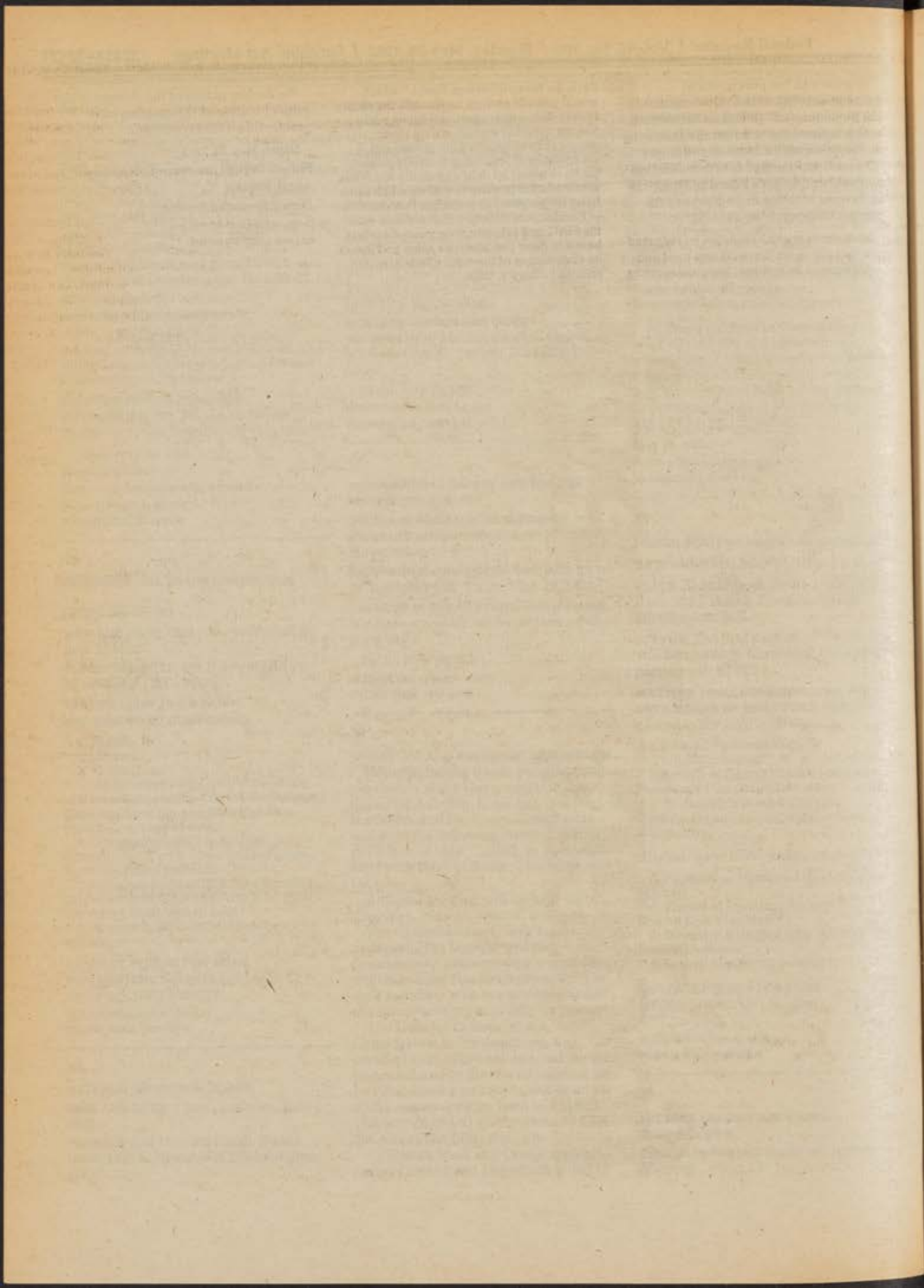
Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Deputy Executive Secretary.

(S-782-62 Filed 5-21-82; 8:45 am)

BILLING CODE 6714-01-M



Register

**Monday
May 24, 1982**

Part II

Department of the Interior

Bureau of Land Management

**Combined Hydrocarbon Leasing;
Conversion of Existing Oil and Gas
Leases and Valid Claims Based on
Mineral Locations; Final Rulemaking**

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3140 and 3150

(Circular No. 2503)

Combined Hydrocarbon Leasing;
Conversion of Existing Oil and Gas
Leases and Valid Claims Based on
Mineral LocationsAGENCY: Bureau of Land Management,
Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking provides the procedures that the Secretary of the Interior will use to convert existing oil and gas leases and valid claims based on mineral locations in Special Tar Sand Areas to combined hydrocarbon leases as required by the Combined Hydrocarbon Leasing Act of 1981.

EFFECTIVE DATE: June 23, 1982.

ADDRESS: Any suggestions or remarks should be sent to: Director (540), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Edward E. Coggs, (202) 343-3258, or Richard J. Aiken, (202) 343-3258, or Robert C. Bruce, (202) 343-8735.

SUPPLEMENTARY INFORMATION: The proposed rulemaking on Combined Hydrocarbon Leasing: Conversion of Existing Oil and Gas Leases and Valid Mining Claims was published in the Federal Register on March 1, 1982 (47 FR 8734), with a 30-day comment period provided. On March 3, 1982, a notice of extension of the comment period was published in the Federal Register (47 FR 9026). Public meetings were held on the proposed rulemaking on March 18, 1982, in Salt Lake City, Utah; Vernal, Utah, and Price, Utah.

Eighteen written comments were received on the proposed rulemaking, four of which were received after the close of the comment period. However, since the four comments included those from the Governor and the Congressional representatives of the one State that would be directly affected by the rulemaking, it was decided that these and all other comments received after the close of the comment period would be considered. These 18 comments came from the following sources: 10 from industry, 1 from an industry association, 5 from Federal agencies, including 1 from a Congressional source, and 2 from representatives of State and local governments. In addition, viewpoints were expressed verbally at the public

meetings. All comments, including both verbal and written, were given careful consideration.

In general, the comments were favorable to the rulemaking. Specific comments will be discussed in connection with the sections to which they refer.

Section 3140.0-5

Several comments raised questions about what constituted a complete plan of operations under subsection (b). Specifically, the comments wanted to know if an exploration plan filed under 30 CFR 231.10(b) would suffice. One of the comments contained the views of two individuals who took an active part in the passage of the Combined Hydrocarbon Leasing Act. The comment suggested that the intent of the authors of the legislation was that applicants not be allowed to convert before they are fully committed or prepared to pursue diligent development of the tar sand resource and that the mechanism for ensuring this commitment was a complete plan of operations which included both an exploration plan and a mining plan. This comment is supported by the language of the legislation; therefore, the definition of a complete plan of operations was modified to clarify that the requirements of both subsections (b) and (c) of 30 CFR 231.10 must be met before a plan can be determined to be complete.

The definition for a complete plan of operations provided in the comment discussed above was accepted in the final rulemaking but was modified in one way. Where the suggested definition would have required that all of the required information be supplied before a plan can be determined to be complete, the final rulemaking is worded to allow for discretion with reference to minor, nonsubstantive deficiencies.

Several comments suggested that the reference to 30 CFR 231.10 be amended to include some guidance for *in situ* operations. The Minerals Management Service is amending 30 CFR Part 231 to provide a cross reference to 30 CFR Part 221. For plans of operations dealing with *in situ* projects, a plan of operations should be filed under 30 CFR Part 231, but the information that is required would be that described in 30 CFR Part 221.

Several comments suggested information that should be included in the definition of a complete plan of operations in paragraph (b). The contents of the plan of operations are the responsibility of the Minerals Management Service and are beyond the scope of this rulemaking. Therefore,

these comments were not incorporated into this final rulemaking.

Several comments were received which recommended additional language be added to paragraph (e) which would limit the definition of the term "owner of an oil and gas lease" to those with a working interest. For purposes of affecting the legal title to a lease, the Department of the Interior only recognizes record title holders as responsible parties, regardless of whether they hold the full working interest or only a nonoperating working interest. It is the responsibility of the applicant to ensure that all record title holders are in agreement with the decision to convert. No change has been made in this paragraph of the final rulemaking.

One comment was received suggesting that the term "owner of a mining claim" be defined. This suggestion has been adopted in principle and the term "owner of a valid claim based on a mineral location," which more closely tracks the language of the Combined Hydrocarbon Leasing Act is defined in the final rulemaking.

One comment suggested that the term "authorized officer" be included in the definition section. The term "authorized officer" is defined in § 3000.0-5(f) of this title and applies to this subpart; therefore, the final rulemaking has not been changed to include this suggestion.

Section 3140.1-1

Several comments were received noting that the proposed regulations were silent as to the status of oil and gas leases and valid claims based on mineral locations that lie only partially within a Special Tar Sand Area. The comments felt that in those situations, the Department of the Interior should allow the entire lease or claim to be converted to a combined hydrocarbon lease. The Combined Hydrocarbon Leasing Act and paragraph (a) of § 3140.1-1 of the final rulemaking state that combined hydrocarbon leases can only be issued within a Special Tar Sand Area. The Department has no authority to issue a combined hydrocarbon lease for lands that are outside of those boundaries. Therefore, oil and gas leases and valid claims that straddle the boundary of the Special Tar Sand Area will have to be split and only that portion which lies within the Special Tar Sand Areas can be converted. This suggestion has not been adopted by the final rulemaking.

One comment was received which suggested different language for paragraph (b) as it applies to valid claim owners. The suggested language is a

better explanation of the effect of not applying for conversion on the status of a valid mining claim and was, therefore, adopted.

Section 3140.1-2

One comment noted that the "Notice of Intent to Convert" provision of the proposed rulemaking would not apply to holders of valid claims based on mineral locations who want to convert since the "Notice of Intent to Convert" only serves to preserve the right to convert for applicants whose rights will expire shortly after these rules take effect. Since a mining claim does not have a set term, there would be no danger of its expiring. Therefore, the reference to a recordation number of the mining claim in paragraph (b) has been deleted by the final rulemaking.

Section 3140.1-3

Several comments felt that paragraph (a) required that a plan of operations be completed and approved before any exploration could take place.

The intent of this section of the proposed rulemaking was to authorize exploration that might be needed for development of a plan of operations. Therefore, to clarify this paragraph, the phrase "operation plan" was changed to "exploration plan" and the reference to 30 CFR 231.10 was clarified in the final rulemaking to explain that § 231.10(b) applied.

Paragraph (b) was changed in the final rulemaking in response to a comment by the National Park Service. Paragraph (b) now requires the consent of the Regional Director of the National Park Service for an exploration plan for an oil and gas lease which is located on a unit of the National Park System rather than requiring a separate special use permit issued by the National Park Service. With this change, a separate permitting process is eliminated while still ensuring that the National Park Service concerns can be reflected during exploration.

A new paragraph (c) has been added to the final rulemaking which explains that exploration plans do not meet the requirement for a complete plan of operations.

One comment was received which suggested that owners of valid claims based on mineral locations be notified of any application for an exploration permit that might impact their holdings and that the mining claimant be entitled to share any information resulting from the exploration. This suggestion was not incorporated in the final rulemaking because it revolves around the larger question of conflicting interests which

will be decided on a case-by-case basis during the adjudication of the claims.

Section 3140.1-4

One comment objected to the 5,120 acre limitation on the size of a converted combined hydrocarbon lease. The comment remarked that the Combined Hydrocarbon Leasing Act allowed conversion of all oil and gas leases in the Special Tar Sand Areas and that larger tracts may be necessary to develop the tar sand. The 5,120 acre limitation was placed in the rules to enable the oil and gas leases and/or valid claims to be combined up to the size that the Congress felt was sufficient to support the operations of combined hydrocarbon lease obtained competitively. This provision would have little effect on the conversion of existing oil and gas leases that may be larger than 5,120 acres. In those instances, the oil and gas lease would be divided into two or more combined hydrocarbon leases of no more than 5,120 acres each. There is no limit to the number of combined hydrocarbon leases that can be held. If the leaseowner preferred to operate the several combined hydrocarbon leases as one lease, he/she would, upon applying for conversion, file one plan of operations covering all of his/her leases as a unit operation. For the reasons stated above, no change has been made in the final rulemaking.

Reductions in royalty rates can be granted either after commencement of commercial operations or prior to commencement of commercial operations. However, as one comment noted, there are two separate authorities that allow royalty rate reductions and they have different standards for granting such reductions. Therefore, changes were made to paragraph (c)(3) of the final rulemaking to clarify that the royalty rate can only be reduced prior to commencement of commercial operations, if the reduced royalty rate will promote development and the maximum production of tar sand.

One comment suggested that the reduced royalty rate discussed in paragraph (c) be established at the time that the combined hydrocarbon lease is issued or that standards be set for any royalty reduction in this rulemaking. The Combined Hydrocarbon Leasing Act provides a fixed royalty rate. Only a tar sand "lessee" may apply for a royalty reduction. The Act contemplates examination and possible reduction of the royalty after lease issuance and before commercial operations begin. Standards to be used in judging royalty reduction have not been set in the final rulemaking due to the embryonic state

of tar sand development. Further, any standards issued now may have the effect of preempting the development of new technologies.

The discussion in the preamble to the proposed rulemaking relating to paragraph (c) stated that the royalty would be applied to the amount or value of the crude oil removed or sold from the lease. Several comments noted that the product produced from the tar sand lease could range from ore, untreated bitumen, partially upgraded bitumen, or fully upgraded bitumen and that, therefore, assessing the royalty rate on crude oil would be presumptuous. Conversion of the tar sand resource to a useable product is likely to require substantial and costly processing and upgrading. The proposed rulemaking envisioned taking these processing and upgrading costs into account when the leaseowner applied for a reduction in the royalty rate as allowed in § 3140.1-4(c)(3). However, it is clear that this procedure would simply result in mass application for royalty reductions by all of the tar sand operators. Therefore, a better standard than crude oil is necessary. As assessing royalties is the responsibility of the Minerals Management Service, this final rulemaking defers to their regulations on this matter.

Several comments referred to aspects of the unitization provisions in paragraph (d). Some comments felt that the proposed rulemaking would only allow unit agreements prior to conversion. Others were concerned that some of the procedures in 30 CFR Part 226 would not be appropriate for tar sand operations. Several comments pointed out that following the requirements of 30 CFR Part 226 may result in unit agreements and plans of operations being reviewed by separate officers. Several comments were concerned that the plans of operations would not be given a serious review until the unit agreements were approved. Finally, one comment felt that the subsection needed to highlight the role of the National Park Service.

To clarify that combined hydrocarbon leases could be unitized after conversion as well as before, the final rulemaking divides paragraph (d) into (d)(1) and (d)(2). Paragraph (d)(1) provides guidance for unit agreements for combined hydrocarbon leases which are developed either before conversion or after conversion. It provides more flexibility in the application of the requirements of 30 CFR Part 226 and clarifies that the review of the unit agreement and plan of operations be by the same person. Paragraph (d)(2)

applies only when development of the resource as described in the plan of operations is predicated on a unit agreement. In such cases, the plan of operations and the unit agreement can be reviewed concurrently, but the plan of operations cannot be approved until the unit agreement is fully executed.

Several comments felt that the requirements of paragraph (d) of the proposed rulemaking that a unit agreement be fully executed before a plan of operations could be approved would be difficult given the November 1982 and November 1983 time constraints. They further suggested that to rectify this, the rulemaking should provide for conditional approval of the plan of operations subject to the applicant obtaining commitment of the required interest. The requirement has not been changed in the final rulemaking. The November 1982 and November 1983 time frames refer to filing dates not approval dates. The final rulemaking requires that the plan of operations may not be approved before the unit agreement is fully executed. The actual time constraints for fully executing the unit agreement are February 1984 and February 1985. If the unit agreement is not fully executed within the 15-month time frame that the Combined Hydrocarbon Leasing Act requires for the Department of the Interior to take action, then the Department would have no choice but to disapprove the conversion. The Act based the right of conversion on the ability of the applicant to produce tar sand. If the applicant does not have sufficient commitment by the necessary parties to enable the resource to be developed then the applicant does not have the right to convert. It should be noted that developing tar sand through a unit agreement is not mandatory. Unlike oil and gas development, where the resource is located in a pool, it is not necessary that every owner of a lease in a particular area be a part of a unit agreement in order for the agreement to be approved.

Several comments were received which suggested that a provision be added to paragraph (d) which would allow approval of the commitment of Federal combined hydrocarbon leases to a unit or cooperative agreement adopted under State law. The comments go on to state that such commitments are allowed for conventional oil and gas operations. The suggestion was not incorporated in the final rulemaking because it is not needed. The existing oil and gas regulations apply to tar sand development unless specifically made not applicable by this rulemaking.

Section 3140.2-3

Several comments dealt with paragraph (b). Additional language was suggested and adopted in the final rulemaking which would clarify when modifications would be required. In addition, the different standards between the proposed rulemaking and those in 30 CFR 231.10(e) for justifying a modification were noted in several comments. To rectify this situation, the procedures from 30 CFR 231.10(e) have been written into this paragraph of the final rulemaking and the citation for 30 CFR 231.10(e) dropped. Finally, two comments noted that while approval of a plan of operations dealing with a unit of the National Park System required the consent of the National Park Service, no mention of the National Park Service's role in approving modifications was provided. Therefore, this paragraph of the final rulemaking has been conformed with the procedures for approving conversions.

References were included in paragraphs (c) and (d) of the final rulemaking to make them applicable to conversions of valid claims based on mineral locations to combined hydrocarbon leases in response to one comment.

A new paragraph (f) has been added by the final rulemaking to explain that the plan of operations must demonstrate development of the resource even if additional exploration is required after conversion.

Paragraph (f) in the proposed rulemaking became paragraph (g) and a new paragraph (g)(2) has been added to the final rulemaking. Paragraph (g)(2) is intended to answer the concern of one comment that the request for additional data after the plan of operations has been determined to be complete might result in the suspension of the running of the term of the lease being revoked.

Several comments were received suggesting that time limitations be placed on the supervisor in paragraph (g) for completion of the review of the plan of operations. The suggested time frames ranged from 15 days to 30 and 90 days. Their concern was that it was possible for a lease to expire or the statutory deadline to be missed due to the failure to file a complete plan of operations even though a plan had been filed but no action had yet been taken. This was a valid concern but putting a time limit on the review could still result in the same situation and would shorten the time available for filing. In response to these comments, paragraph (g) has been modified in the final rulemaking to provide that the suspension of the oil and gas lease would be effective on the

date of filing not on the date of the determination of completeness.

One comment was received which suggested that alternative development approaches and time schedules be allowed in the plan of operations. This suggestion, if adopted, would serve to lessen the need for modifications to the plan. The plan of operations must show the applicant's plans for diligently developing the tar sand resource. If after exploration, or for some other reason, the plans need to be changed, provisions exist for amending the plan. At this time, other than resulting in a larger document and thereby requiring more time for review, it was felt that alternative development plans would add little to the rulemaking and the suggestion has not been adopted in the final rulemaking.

One comment suggested language requiring that all agencies reviewing proposed plans of operations complete their review within 15 months from the date the plan is referred for review by the Minerals Management Service. Review of the plan of operations is a responsibility of the Minerals Management Service and is beyond the scope of this rulemaking. Therefore, the suggestion has not been adopted.

One comment suggested procedures for handling contest or protest procedures. This suggestion has not been adopted in the final rulemaking because sufficient regulatory guidance exists in current regulations on the handling of such matters.

Section 3140.3-1

One comment pointed out that some leases may be under suspension due to no fault of the leaseholder at the time when the plan of operations is approved and the lease is converted. The concern was that the combined hydrocarbon leaseholder would not be able to enjoy the full 10-year lease period. In those situations, existing procedures provide for the period of time lost due to the suspension to be added to the end of the lease term.

Two comments were received suggesting procedures which would require the Bureau of Land Management to notify other holders of rights to hydrocarbons except coal, oil shale or gilsonite of the receipt of an application to convert. This suggestion was rejected by the final rulemaking because it would have placed the Bureau in the position of being potentially liable if it inadvertently fails to notify the owner of a conflicting right.

One comment felt that the regulations should require a simultaneous review of proposed plans of operations by other

agencies, where appropriate. Review of the plan of operations is the responsibility of the Minerals Management Service and is beyond the scope of this rulemaking.

Section 3140.4-1

Paragraph (b) has been revised in the final rulemaking to be consistent with the mineral management regulations of the National Park Service by requiring the consent of, rather than review by, the Regional Director for plans of operations.

Several comments attempted to distinguish between partial plans in 30 CFR 231.10(f) and approving a plan in part as described in paragraph (c) of the proposed rulemaking. No distinction is intended. A plan of operations must be complete as described in § 3140.0-5(b) and must demonstrate the development of the tar sand resource as required in § 3140.2-3(a). This rulemaking allows for exploration after conversion and for modifications to a plan of operations if that exploration results in a need for changes. There should be no need for partial plans and, more importantly, the Department of the Interior has no authority for approving anything but a complete plan of operations before a lease or mining claim can be converted.

Section 3140.4-2

As suggested by one comment, this section has been modified in the final rulemaking to provide a more orderly lease issuance procedure. In addition, several comments suggested that the rulemaking provide for the issuance of one combined hydrocarbon lease which would combine one or more oil and gas leases or valid claims. Due to the administrative convenience that this authority would provide, the ability to combine oil and gas leases and/or valid claims was intended in the original proposed rulemaking as demonstrated in the 5,120 acre limitation provided in § 3140.1-4(a), but was not clearly explained. Paragraph (d)(2) added by the final rulemaking would allow the combination of noncontiguous leases or valid claims within the guidelines of section 6(a) of the Combined Hydrocarbon Leasing Act.

One comment was received which suggested that a mechanism be provided by which affected Federal land managers would be able to assure that potential adverse impacts resulting from tar sand development on adjacent lands are accounted for in the decision to convert a lease and that appropriate mitigation measures are required to ensure that no significant impacts occur on their lands. The mechanism exists in the procedures implementing the

National Environmental Policy Act. The approval of the plan of operations is a decision that must undergo an appropriate environmental review. During that review, impacts on Federal and State lands will be assessed. If, after the review of the plan of operations, stipulations in the lease are deemed necessary to ensure a reasonable protection of the environment, they are authorized under paragraph (a). Since sufficient procedures exist, no change has been made by the final rulemaking.

Section 3140.5

Several comments were concerned that the 10-year primary term was too short for a tar sand operation and suggested substituting language which would include the test of substantial financial investment. The Combined Hydrocarbon Leasing Act, as codified, requires that a combined hydrocarbon lease shall have a primary term of 10 years and shall continue " * * * so long after its primary term as oil or gas is produced in paying quantities." The Act goes on to provide one 2-year extension after the primary term and that is authorized only if " * * * actual drilling operations were commenced prior to the end of the primary term and are being diligently prosecuted at that time * * *". Another comment felt that a new 10-year term should not be granted as a result of the conversion. Section 8 of the Act provided the authority to convert the oil and gas lease or valid claim based on a mineral location to "a combined hydrocarbon lease for a primary term of 10 years." No change has been made in this section by the final rulemaking.

Section 3140.6

Several comments were received on this section. Most of the comments referred to an outdated version of section 2920 of Title 43 of the Code of Federal Regulations. That version referred solely to Special Land Use Permits, which had a term of 1-year. The existing section 2920, revised as of October 1, 1981, refers to leases as well as permits. Leases under § 2920.1(a) "shall be issued for a term determined by the authorized officer that is consistent with the time required to amortize the capital investment."

Another concern raised with reference to the previously existing section 2920 was the view that the permit was revocable at the discretion of the authorized officer. It was felt that an easily revocable permit would not provide the assurance necessary to make plans for such an investment. As stated, the existing version of section

2920 deals with leases as well as permits. In addition, § 2920.9-3(a) provides that leases can only be terminated: (1) If the terms of the authorization included a termination clause; (2) for noncompliance with applicable law, regulations, or terms and conditions; (3) failure to use the land for the purpose for which it was authorized; (4) by mutual agreement; or (5) for nonpayment of rent for two consecutive months, following payment due. These provisions should provide the assurances needed to allay the expressed concerns and no change has been made by the final rulemaking.

Several comments on this section also questioned the use of leasing authority under section 302 of the Federal Land Policy and Management Act rather than the authority under section 6(a) of the Combined Hydrocarbon Leasing Act. Section 6(a) will be the authority under which the leasing of additional lands to support operations of the combined hydrocarbon lease will take place. The procedures for issuing such leases are the provisions of section 2920 of this title except when the required lands are on units of the National Park System. In those cases, an application should be filed with the Regional Director of the National Park Service. The Bureau of Land Management will issue rights-of-way under Parts 2800 and 2880 of Title 43 of the Code of Federal Regulations when a right-of-way rather than a lease is more appropriate, such as a pipeline.

Section 3140.7

Two comments were received suggesting changes to this section. The section has been amended by the final rulemaking to delegate to the Regional Director of the National Park Service the requirement of making a finding of no resulting significant adverse impact.

Miscellaneous

One comment was received relative to the distinction between oil and tar sand in areas outside of Special Tar Sand Areas. The rulemaking applies only to areas within Special Tar Sand Areas. Therefore, the comment was not relevant to this rulemaking.

Issues on Valid Claims Based on Mineral Locations

In the proposed rulemaking, the Department of the Interior requested comments on whether this rulemaking should include procedures and showings that would be used for the purposes of converting valid mining claims to a combined hydrocarbon lease. One comment was received in favor of specific procedures for establishing

validity and two were received for addressing the issues involved, when and if there are conflicts between owners of valid claims and oil and gas leases covering the same lands. Verbal comments received at the public meetings came out against establishing validity procedures in these rules. As a result of the apparent lack of support for separate procedures for assessing the validity, this rulemaking does not include any such procedures. The procedures and standards will be established on a case-by-case basis in the adjudication of these applications.

Editorial and Grammatical Changes, as Needed, Have Been Made

The primary authors of this proposed rulemaking are Richard Aiken and Edward Coggs, Division of Coal, Tar Sands, and Oil Shale, Bureau of Land Management and Orval Hadley and Bob Randolph, Utah State Office, Bureau of Land Management, assisted by William Murray, Division of Energy and Resources, Office of Solicitor, Department of the Interior, and the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management, and other Bureau of Land Management and Department of the Interior staff.

The Department of the Interior has determined that this document is a major rule under Executive Order 12291, but that it will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

The final rulemaking will not present any barriers to small business entry into tar sand development. The requirements for conversion are minimal and designed to be tailored to the size of the proposed operation. An avenue exists for small business entry to tar sand development through the use of the unit operations provisions by which the large costs of developing tar sand can be amortized over a larger resource base. By entering into a unit agreement, the small business cuts the costs of conversion as well since only one plan of operations is necessary to convert all of the oil and gas leases or valid claims included in the unit agreement.

There is little opportunity for any additional tiering of any requirements of the final rulemaking to the size of the applicant. Most of the requirements in this rulemaking were dictated by the Combined Hydrocarbon Leasing Act. Those that are not totally dictated by the Act either have been streamlined and tailored to the size of the proposal to the extent legally permissible, such as the requirements for the plan of operations, or are of a nonconsequential

nature relative to the total costs of developing tar sand as exemplified by the estimated rental revenues accruing to the United States in the scenarios in section V.

A Preliminary Regulatory Impact Analysis was developed and made available to the public on March 1, 1982, and a Final Regulatory Impact Analysis and Regulatory Flexibility Analysis has been developed and is available upon request from the Division of Coal, Tar Sands, and Oil Shale, Bureau of Land Management, 1800 C Street N.W., Washington, D.C. 20240.

The Combined Hydrocarbon Leasing Act of 1981 (Pub. L. 97-78) directs the Secretary of the Interior, within 6 months of the effective date of the Act, to issue final regulations under which the owner of an oil and gas lease or a valid claim based on a mineral location, if he/she meets the requirements of the Act, can file an application for conversion of such lease or claim to a combined hydrocarbon lease. This final rulemaking provides the procedure by which qualified owners of oil and gas leases or valid claims based on mineral locations can apply for conversion to combined hydrocarbon leases. This rulemaking will serve the national interest by providing the procedure for development of the tar sand resources that should increase the amount of domestically produced oil.

The information collection requirements contained in 43 CFR Part 3140 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned number 1004-0118.

List of Subjects in 43 CFR Part 3140

Administrative practice and procedure, Environmental protection, Mineral royalties, Oil and gas reserves, Public lands—mineral resources.

Under the authority of the Combined Hydrocarbon Leasing Act of 1981 (Pub. L. 97-78), the Mineral Lands Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.), the Mineral Leasing Act for Acquired Lands, as amended (30 U.S.C. 351-359 et seq.) and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), Group 3100, Subchapter C, Chapter II of the Code of Federal Regulations is amended by redesignating existing Part 3140 as Part 3150 and adding a new Part 3140 as set forth below.

Dated: May 7, 1982.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

PART 3140—COMBINED HYDROCARBON LEASING

Note.—The information collection requirements contained in Part 3140 of Group 3100 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0118. The information is being collected to allow the authorized officer to determine if the applicant for conversion of an existing oil and gas lease or valid claim based on a mineral location to a combined hydrocarbon lease is qualified for such conversion. This information will be used in making those determinations. The obligation to respond is required to obtain a benefit.

Subpart 3140—Conversion of Existing Oil and Gas Leases and Valid Claims Based on Mineral Locations

Sec.

- 3140.0-1 Purpose.
- 3140.0-3 Authority.
- 3140.0-5 Definitions.
- 3140.1 General provisions.
- 3140.1-1 Existing rights.
- 3140.1-2 Notice of intent to convert.
- 3140.1-3 Exploration plans.
- 3140.1-4 Other provisions.
- 3140.2 Applications.
- 3140.2-1 Forms.
- 3140.2-2 Who may apply.
- 3140.2-3 Application requirements.
- 3140.3 Time limitations.
- 3140.3-1 Conversion applications.
- 3140.3-2 Action on an application.
- 3140.4 Conversion.
- 3140.4-1 Approval of plan of operations (and unit and operating agreements).
- 3140.4-2 Issuance of the combined hydrocarbon lease.
- 3140.5 Duration of lease.
- 3140.6 Leasing of additional lands.
- 3140.7 Lands within the National Park System.

Subpart 3140—Conversion of Existing Oil and Gas Leases and Valid Claims Based on Mineral Locations

§ 3140.0-1 Purpose.

The purpose of this subpart is to provide for the conversion of existing oil and gas leases and valid claims based on mineral locations within Special Tar Sand Areas to combined hydrocarbon leases.

§ 3140.0-3 Authority.

These regulations are issued under the authority of the Mineral Lands Leasing Act of February 25, 1920 (30 U.S.C. 181 et seq.), the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.), and the Combined Hydrocarbon Leasing Act of 1981 (Pub. L. 97-78).

§ 3140.0-5 Definitions.

As used in this subpart, the term: (a) "Combined hydrocarbon lease"

means a lease issued in a Special Tar Sand Area for the removal of gas and nongaseous hydrocarbon substances other than coal, oil shale or gilsonite.

(b) "A complete plan of operations" means a plan of operations which is in substantial compliance with the information requirements of 30 CFR 231.10 for both exploration plans and mining plans, as well as any additional information required in these regulations and under 30 CFR 2310.10, as may be appropriate.

(c) "Special Tar Sand Area" means an area designated by the Department of the Interior's orders of November 20, 1980 (45 FR 78800), and January 21, 1981 (46 FR 6077) referred to in those orders as Designated Tar Sand Areas, as containing substantial deposits of tar sand.

(d) "Supervisor" means the District Mining Supervisor of the Minerals Management Service, unless the plan of operations proposes only an in-situ process where no mining is involved in which case it means the District Oil and Gas Supervisor of the Minerals Management Service.

(e) "Owner of an oil and gas lease" means all of the record title holders of an oil gas lease.

(f) "Owner of a valid claim based on a mineral location" means all parties appearing on the title records recognized as official under State law as having the right to sell or transfer any part of the mining claim, which was located within a Special Tar Sand Area prior to January 21, 1926, for any hydrocarbon resource, except coal, oil shale or gilsonite, leaseable under the Combined Hydrocarbon Leasing Act.

(g) "Unitization" means unitization as that term is defined in 30 CFR Part 226.

§ 3140.1 General provisions.

§ 3140.1-1 Existing rights.

(a) The owner of an oil and gas lease issued prior to November 16, 1981, or the owner of a valid claim based on a mineral location situated within a Special Tar Sand Area may convert that portion of the lease or claim so situated to a combined hydrocarbon lease, provided that such conversion is consistent with the provisions of this subpart.

(b) Owners of oil and gas leases in Special Tar Sand Areas who elect not to convert their leases to a combined hydrocarbon lease do not acquire the rights to any hydrocarbon resource except oil and gas as those terms were defined prior to the enactment of the Combined Hydrocarbon Leasing Act of 1981. The failure to file an application to

convert a valid claim based on a mineral location within the time herein provided shall have no effect on the validity of the mining claim nor the right to maintain that claim.

§ 3140.1-2 Notice of intent to convert.

(a) Owners of oil and gas leases in Special Tar Sand Areas which are scheduled to expire prior to the effective date of these regulations or within 6 months thereafter, may preserve the right to convert their leases to combined hydrocarbon leases by filing a Notice of Intent to Convert with the State Director, Utah State Office, Bureau of Land Management, 136 E. South Temple, Salt Lake City, Utah 84111.

(b) A letter, submitted by the lessee, notifying the Bureau of Land Management of the lessee's intention to submit a plan of operations shall constitute a notice of intent to convert a lease. The Notice of Intent shall contain the lease number.

(c) The Notice of Intent shall be filed prior to the expiration date of the lease. The notice shall preserve the lessee's conversion rights only for a period ending 6 months after the effective date of this subpart.

§ 3140.1-3 Exploration plans.

(a) The supervisor may grant permission to holders of existing oil and gas leases to gather information to develop, perfect, complete or amend a plan of operations required for conversion upon the approval of the supervisor of an exploration plan developed in accordance with 30 CFR 231.10(b).

(b) The approval of an exploration plan in units of the National Park System requires the consent of the Regional Director or the National Park Service in accordance with § 3140.7 of this title.

(c) The filing of an exploration plan alone shall be insufficient to meet the requirements of a complete plan of operations as set forth in § 3140.2-3 of this title.

§ 3140.1-4 Other provisions.

(a) A combined hydrocarbon lease shall be for no more than 5,120 acres. Acreage held under lease in a Special Tar Sand Area is not chargeable to State oil and gas limitations allowable in §§ 3101.1-5 and 3101.2-4 of this title.

(b) The rental rate for a combined hydrocarbon lease shall be \$2 per acre per year and shall be payable annually in advance.

(c)(1) The royalty rate for a combined hydrocarbon lease converted from an oil and gas lease shall be that provided for

in the original oil and gas lease.

(2) The royalty rate for a combined hydrocarbon lease converted from a valid claim based on a mineral location shall be 12½ percent.

(3) A reduction of royalties may be granted either as provided in § 3103.3-7 of this title or, at the request of the lessee and upon a review of information provided by the lessee, prior to commencement of commercial operations if the purpose of the request is to promote development and the maximum production of tar sand.

(d)(1) Existing oil and gas leases and valid claims based on mineral locations may be unitized prior to or after the lease or claim has been converted to a combined hydrocarbon lease. The requirements of 30 CFR Part 226 shall provide the procedures and general guidelines for unitization of combined hydrocarbon leases. For leases within units of the National Park System, unitization requires the consent of the Regional Director of the National Park Service in accordance with § 3140.4-1(b) of this title. The supervisor reviewing the proposed unit agreement shall be the same supervisor reviewing the plan of operations.

(2) If the plan of operations submitted for conversion is designed to cover a unit, a fully executed unit agreement shall be approved before the plan of operations applicable to the unit may be approved under § 3140.2 of this title. The proposed plan of operations and the proposed unit agreement may be reviewed concurrently. The approved unit agreement shall be effective after the leases or claims subject to it are converted to combined hydrocarbon leases. The plan of operations shall explain how and when each lease included in the unit operation will be developed.

(e) Except as provided for in this subpart, the regulations set out in part 3100 of this title are applicable, as appropriate, to all combined hydrocarbon leases issued under this subpart.

§ 3140.2 Applications.

§ 3140.2-1 Forms.

No special form is required for a conversion application.

§ 3140.2-2 Who may apply.

Only owners of oil and gas leases issued on or before November 16, 1981, owners of valid claims based on mineral locations are eligible to convert leases or claims to combined hydrocarbon leases in Special Tar Sand Areas.

§ 3140.2-3 Application requirements.

(a) The applicant shall submit to the State Director, Utah State Office of the Bureau of Land Management, a written request for a combined hydrocarbon lease signed by the owner of the lease or valid claim which shall be accompanied by 3 copies of a plan of operations which shall meet the requirements of 30 CFR 231.10 (b) and (c) and which shall provide for reasonable protection of the environment and diligent development of the resources requiring enhanced recovery methods of development or mining.

(b) A plan of operations may be modified or amended before or after conversion of a lease or valid claim to reflect changes in technology, slippages in schedule beyond the control of the lessee, new information about the resource or the economic or environmental aspects of its development, changes to or initiation of applicable unit agreements or for other purposes. To obtain approval of a modification or amended plan, the applicant shall submit a written statement of the proposed changes or supplements and the justification for the changes proposed. Any modifications shall be in accordance with 30 CFR 231.10(e). The approval of the modification or amendment is the responsibility of the supervisor. Changes or modification to the plan of operations shall have no effect on the primary term of the lease. The supervisor shall, prior to approving any amendment or modification, review the modification or amendment with the appropriate surface management agency. For leases within units of the National Park System, no amendment or modification shall be approved without the consent of the Regional Director of the National Park Service in accordance with § 3140.7 of this title.

(c) The plan of operations may be for a single existing oil and gas lease or valid claim or for an area of proposed unit operation.

(d) The plan of operations shall identify by lease number all Federal oil and gas leases proposed for conversion and identify valid claims proposed for conversion by the recordation number of the mining claim.

(e) The plan of operations shall include any proposed designation of operator or proposed operating agreement.

(f) The plan of operations may include an exploration phase, if necessary, but it shall include a development phase. Such a plan can be approved even though it may indicate work under the exploration phase is necessary to

perfect the proposed plan for the development phase as long as the overall plan demonstrates reasonable protection of the environment and diligent development of the resources requiring enhanced recovery methods of mining.

(g)(1) Upon determination that the plan of operations is complete, the supervisor shall notify the authorized officer who shall then suspend the term of the Federal oil and gas lease(s) as of the date that the complete plan was filed until the plan is finally approved or rejected. Only the term of the oil and gas lease shall be suspended, not any operation and production requirements thereunder.

(2) If the supervisor determines that the plan of operations is not complete, the applicant shall be notified that the plan is subject to rejection if not completed within the period specified in the notice.

(3) The supervisor may request additional data after the plan of operations has been determined to be complete. This request for additional information shall have no effect on the suspension of the running of the oil and gas lease.

§ 3140.3 Time limitations.**§ 3140.3-1 Conversion applications.**

A plan of operations to convert an existing oil and gas lease or valid claim based on a mineral location to a combined hydrocarbon lease shall be filed on or before November 15, 1983, or prior to the expiration of the oil and gas lease, whichever is earlier, except as provided in § 3140.1-2 of this title.

§ 3140.3-2 Action on an application.

The authorized officer shall, with the advise of the supervisor, take action on an application for conversion within 15 months of receipt of a proposed plan of operations.

§ 3140.4 Conversion.**§ 3140.4-1 Approval of plan of operations (and unit and operating agreements).**

(a) The owner of an oil and gas lease, or the owner of a valid claim based on a mineral location shall have such lease or claim converted to a combined hydrocarbon lease when the plan of operations, filed under § 3140.2 of this title, is deemed acceptable and is approved by the supervisor.

(b) The conversion of a lease within a unit of the National Park System shall be approved only with the consent of the Regional Director of the National Park Service in accordance with § 3140.7 of this title.

(c) A plan of operations may not be approved in part but may be approved where it contains an appropriately staged plan of exploration and development operations.

§ 3140.4-2 Issuance of the combined hydrocarbon lease.

(a) After a plan of operations is found acceptable, and is approved, the authorized officer shall prepare and submit to the owner, for execution, a combined hydrocarbon lease containing all appropriate terms and conditions, including any necessary stipulations that were part of the oil and gas lease being converted, as well as any additional stipulations, such as those required to ensure compliance with the plan of operations.

(b) The authorized officer shall not sign the combined hydrocarbon lease until it has been executed by the conversion applicant and the lease or claim to be converted has been formally relinquished to the United States.

(c) The effective date of the combined hydrocarbon lease shall be the first day of the month following the date that the authorized officer signs the lease.

(d)(1) Except to the extent that any such lease would exceed 5,210 acres, the authorized officer may issue, upon the request of the applicant, 1 combined hydrocarbon lease to cover contiguous oil and gas leases or valid claims based on mineral locations which have been approved for conversion.

(2) To the extent necessary to promote the development of the resource, the authorized officer may issue, upon the request of the applicant, 1 combined hydrocarbon lease that does not exceed 5,120 acres, which shall be as nearly compact as possible, to cover non-contiguous oil and gas leases or valid claims which have been approved for conversion.

§ 3140.5 Duration of the lease.

A combined hydrocarbon lease shall be for a primary term of 10 years and for so long thereafter as oil or gas is produced in paying quantities.

§ 3140.6 Use of additional lands.

(a) The authorized officer may noncompetitively lease additional lands for ancillary facilities in a Special Tar Sand Area that are needed to support any operations necessary for the recovery of tar sand. Such uses include, but are not limited to, mill site or waste disposal. Application for a lease or permit to use additional lands shall be filed under the provisions of Part 2920 of this title with the proper BLM office having jurisdiction of the lands. The

application for additional lands may be filed at the time a plan of operations is filed.

(b) A lease for the use of additional lands shall not be issued when the use can be authorized under Parts 2800 and 2880 of this title. Such uses include, but are not limited to, reservoirs, pipelines, electrical generation systems, transmission lines, roads, and railroads.

(c) Within units of the National Park System, permits or leases for additional lands shall only be issued by the National Park Service. Applications for such permits or leases shall be filed with the Regional Director of the National Park Service.

§ 3140.7 Lands within the National Park System.

Conversions of existing oil and gas leases and valid claims based on mineral locations to combined hydrocarbon leases within units of the National Park System shall be allowed only where mineral leasing is permitted by law and where the lands covered by the lease or claim proposed for conversion are open to mineral resource disposition in accordance with any applicable minerals management plan. (See § 3101.4-5 of this title). In order to consent to any conversion or any subsequent development under a combined hydrocarbon lease requiring

further approval, the Regional Director of the National Park Service shall find that there will be no resulting significant adverse impacts on the resources and administration of such areas or on other contiguous units of the National Park System in accordance with § 3109.5(e) of this title.

PART 3150 [REDESIGNATED FROM PART 3140]

2. Existing Part 3140 is redesignated Part 3150.

[FR Doc 82-14033 Filed 5-21-82; 8:45 am]

BILLING CODE 4310-84-M

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federal register

**Monday
May 24, 1982**

Part III

Office of Management and Budget

Budget Deferrals

**OFFICE OF MANAGEMENT AND
BUDGET**
Budget Deferrals
**TO THE CONGRESS OF THE UNITED
STATES:**

In accordance with the Impoundment Control Act of 1974, I herewith report revisions to six deferrals previously reported, increasing the amount deferred by \$7.5 million.

The deferrals affect programs in the Departments of Commerce, Health and Human Services, and Justice as well as the Small Business Administration.

The details of each deferral are contained in the attached reports.

Ronald Reagan.

THE WHITE HOUSE,

May 18, 1982.

BILLING CODE 3110-01-M

[FR Doc. 82-14096 Filed 5-21-82; 8:45 am]

**CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)**

<u>Deferral #</u>	<u>Item</u>	<u>Budget Authority</u>
	Department of Commerce	
	Bureau of the Census	
D82-225A	Periodic censuses and programs.....	1,015
	Minority Business Development Agency	
D82-226A	Minority business development.....	10,000
	National Oceanic and Atmospheric Administration	
D82-5A	Construction.....	2,000
	Department of Health and Human Services	
	Social Security Administration	
D82-237A	Limitation on administrative expenses.....	9,600
	Department of Justice	
	Federal Prison System	
D82-17B	Buildings and facilities.....	2,700
	Small Business Administration	
D82-233A	Business loan and investment fund.....	5,000
	Total Deferrals.....	30,315

**SUMMARY OF SPECIAL MESSAGES
FOR FY 1982
(in thousands of dollars)**

	<u>Rescissions</u>	<u>Deferrals</u>
Twelfth special message		
New items.....	---	---
Change to amounts previously submitted.....	---	7,500
Effect of twelfth special message.....	---	7,500
Previous special messages.....	7,576,998	7,972,770
Total amount proposed in special messages.....	7,576,998	7,980,270

1/ This amount represents budget authority except for \$20,922 thousand in one general revenue sharing deferral of outlays only (D82-23A).

D82-225A

SUPPLEMENTARY REPORT
Report Pursuant to Section 1014(c) of
Public Law 93-344

This report updates Deferral No. D82-225, transmitted to the Congress on February 5, 1982.

This revision to a deferral for periodic censuses and programs in the Commerce Department increases the budgetary resources previously reported in this account from \$61,333,000 to \$109,082,213, an increase of \$47,749,213. The increase is the result of the following actions: (1) the Fourth Continuing Resolution making further appropriations for Fiscal Year 1982 (P.L. 97-161) made available an additional \$43,949,000; (2) recoveries of prior-year obligations made available an additional \$3,800,000; and (3) an adjustment in unobligated balances brought forward into FY 1982 made available an additional \$213. The additional resources do not affect the amount deferred, which remains \$1,015,000.

Deferral No. D82-225A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency	Department of Commerce	New budget authority (P.L. 97-161)	\$ 87,888,000
Bureau	Bureau of the Census	Other budgetary resources	21,184,213
Appropriation title & symbol		Total budgetary resources	109,082,213
Periodic censuses and programs (1310450)		Amount to be deferred:	
		Part of year	\$
		Entire year	1,015,000
OMB identification code:	13-0450-0-1-316	Legal authority (to address sec. 1013)	
Grant program	☐ Yes ☒ No	☐ Antideficiency Act	
Type of account or fund:		☐ Other	
☐ Annual		Type of budget authority:	
☐ Multiple-year (expiration date)		☐ Appropriation	
☒ No-year		☐ Contract authority	
		☐ Other	

Justification: This appropriation funds legislatively-mandated censuses and surveys of economic and demographic areas once or twice each decade. The current plan for the Agricultural Census will reduce FY 1982 costs by \$1,015 thousand and FY 1983 data collection costs by \$9 million. Savings realized in 1982 are being deferred for the balance of the fiscal year and will be used to offset program costs in FY 1983. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 655).

Estimated Effects: This deferral action reduces the 1982 program commensurate with proposed 1983 changes in a special area sample (first introduced in 1978), special subject follow-up surveys (farm financing and farm energy, for example) and data collection for the outlying areas (Guam, the Virgin Islands and Puerto Rico, for example) but maintains the essential form data comparable to previous censuses.

Outlay Effect: This deferral action will have the effect of shifting \$1,015 thousand in outlays from FY 1982 into FY 1983.

* Revised from previous report.

D82-226A

SUPPLEMENTARY REPORT
Report Pursuant to Section 1014(c) of
Public Law 93-344

This report updates Deferral No. D82-226, transmitted to the Congress on February 5, 1982.

This revision to a deferral of Minority Business Development funds in the Department of Commerce increases the amount deferred from \$5,000,000 to \$10,000,000. The increase in this deferral is due to the additional budget authority provided by the Fourth Continuing Resolution, making further continuing appropriations for Fiscal Year 1982 (P.L. 97-161). In addition, the duration of the deferral has been extended to the end of Fiscal Year 1982.

Deferral No: D82-226A

DEFERRAL OF BUDGET AUTHORITY
 Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. 97-161)	\$6,641,000*
Bureau Minority Business Development Agency	Other budgetary resources	15,211,762
Appropriation title & symbol	Total budgetary resources	71,872,762*
Minority Business Development 1/	Amount to be deferred: Part of year	\$ 10,000,000*
1320201 *	Entire year	
1320201		
OMB identification code: 13-0201-0-1-376	Legal authority (in addition to sec. 1013):	
Grant program ☒ Yes ☐ No	☐ Antideficiency Act	
Type of account or fund: ☒ Annual 2/ ☐ Multiple-year ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other	

Justification: The Continuing Resolution (P.L. 97-161) provided \$57 million in budget authority through September 30, 1982, for the Minority Business Development Agency (MBDA) for the delivery of management and technical assistance to minority-owned firms. In addition to this authority, MBDA carried forward into 1982 an unobligated balance of \$13.7 million -- \$10 million greater than anticipated. The proposed deferral of \$10 million will allow MBDA to maintain its programs for an annual level of \$53 million. This level would be consistent with the level resulting from Congressional appropriation action and the planned carryover from 1981.

Estimated Effects: The deferral will maintain MBDA's programs at the planned level of \$50 million. It will enable MBDA to provide services in 90 standard metropolitan statistical areas, where almost 80% of minority firms are located.

Outlay Effects: This deferral action will reduce 1982 outlays by \$10 million.

1/ This account was the subject of another FY 1982 deferral (D82-99) and was the subject of a deferral in FY 1981 (D81-103).

2/ None of these funds is deferred.

* Revised from previous report.

D82-5A

SUPPLEMENTARY REPORT
Report Pursuant to Section 1014(c) of
Public Law 93-344

This report updates Deferral No. D82-5, transmitted to the Congress on October 1, 1981.

This revision to a deferral of construction funds in the National Oceanic and Atmospheric Administration increases the total budgetary resources for the account from \$23,700,000 to \$26,920,000. The increase of \$3,220,285 is attributable to an increase of \$2,945,285 over the previous estimate of unobligated balances brought forward into Fiscal Year 1982 and to the recovery of \$275,000 in prior year obligations. The amount deferred remains \$2,000,000.

Deferral No.: D82-5A

DEFERRAL OF BUDGET AUTHORITY
 Report Pursuant to Section 1014 of P.L. 93-344

Agency	Department of Commerce	New budget authority (P.L.)	\$	----
Bureau	National Oceanic and Atmospheric Administration	Other budgetary resources		26,920,000
Appropriation title & symbol		Total budgetary resources		26,920,000
Construction		Amount to be deferred:		
13x1452 1/		Part of year		
		Entire year		2,000,000
OMB identification code:		Legal authority (in addition to sec. 1013):		
13-1452-0-1-306		☒ Antideficiency Act		
Grant program ☐ Yes ☐ No		☐ Other		
Type of account or fund:		Type of budget authority:		
☐ Annual		☒ Appropriation		
☐ Multiple-year (specify how)		☐ Contract authority		
☒ No-year		☐ Other		

Justification: Public Law 96-38 included supplemental appropriations to fund NOAA's Western Regional Center (WRC) in Seattle, Washington. Due to delays in construction, the estimated date of completion has been extended into FY 1983. The above funds proposed for deferral will not be required during FY 1982. This deferral is consistent with congressional intent to provide no-year funding for this project and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: The funds proposed for deferral will not affect the construction program of the WRC during FY 1982.

Outlay Effect: This deferral action will have no effect on FY 1982 outlays.

1/ This account was the subject of a similar deferral in FY 1981 (D81-4).

* Revised from previous report.

D82-237A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of
Public Law 93-344

This report updates Deferral No. D82-237, transmitted to the Congress on March 18, 1982.

This revision to a deferral for the Limitation on Administrative Expenses in the Social Security Administration increases the budgetary resources for this account by \$14,995,375 to cover additional funds provided by the Fourth Continuing Resolution, making further continuing appropriations for fiscal year 1982 (P.L. 97-161). The amount deferred remains \$9,600,000.

Deferral No. D82-237A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1014 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 97-22)	\$24,531,000
Bureau Social Security Administration	Other budgetary resources	28,650,158
Appropriation title & symbol	Total budgetary resources	\$53,181,158
Limitation on Administrative Expenses	Amount to be deferred:	
75X8704 (Construction)	Part of year	
	Entire year	9,600,000
OMB Identification code: 75-8704-0-7-601	Legal authority (in addition to sec. 1012b)	
Grant program ☐ Yes ☒ No	☒ Antideficiency Act	
Type of account or fund:	☐ Other	
☐ Annual	Type of budget authority:	
☐ Multiple-year (specify year)	☒ Appropriation	
☒ No-year	☐ Contract authority	
	☐ Other	

Justification: This account provides funding for construction and renovation of the Social Security Administration's headquarters and field office buildings. During FY 1982, the Social Security Administration (SSA) expects to construct several new district offices and to expand offices that have become overcrowded. In reviewing plans for FY 1982, SSA identified \$9,600,000 in FY 1982 funds available from prior years that cannot be obligated during FY 1982 because of the time-consuming nature of the construction process. Consequently, these funds are being deferred. This deferral action of no-year funds is a routine deferral taken under the provisions of the Antideficiency Act (31 U.S.C. 655).

Estimated Effects: There is no programmatic or budgetary effect from this deferral.

Outlay Effect: There is no outlay effect because these funds could not be obligated if made available.

* Revised from previous report.

DS2-17B

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of
Public Law 93-344

This report updates Deferral No. DS2-17A, transmitted to the
Congress on February 5, 1982.

This revision to a deferral for buildings and facilities under
the Federal Prison System of the Department of Justice increases
the budgetary resources from \$22,792,831 to \$29,657,831. The
increase of \$6,865,000 represents additional funds made available
by the Fourth Continuing Resolution, making further
appropriations for fiscal year 1982 (P.L. 97-161). This change
does not affect the amount deferred.

Deferral No. DS2-17 B

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1014 of P.L. 93-344

Agency: Department of Justice	New budget authority (P.L. 97-161)	\$ 13,731,000*
Bureau: Federal Prison System	Other budgetary resources	15,926,831*
Appropriation title & symbol: Buildings and Facilities 1537003 1/	Total budgetary resources	29,657,831*
	Amount to be deferred: Part of year	\$
	Fiscal year	2,700,000
OMB Administration number: 15-1003-0-1-733	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act	...
Grant program: ☐ Yes ☒ No	Other: ☐ Other	...
Type of account or fund: ☐ Annual ☐ Multiple-year ☒ Three-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other	

Justification: This appropriation finances planning, acquisition of sites, and construction of new penal and correctional facilities as well as construction, remodeling, and equipping of existing facilities at existing penal and correctional institutions. Projects are undertaken to reduce overcrowding, close old and antiquated institutions and provide safe and humane environment for staff and inmates. The deferred funds were appropriated in the Departments of State, Justice and Commerce, the Judiciary and Related Agencies Appropriation Act of 1981 and previous years. Due to the time required for planning, site acquisition, design efforts and selection of contractors, it is not possible to complete the construction, renovation, and rehabilitation associated with all these projects during FY 1982. The amount deferred of \$2,700,000 represents funding for major and minor repair projects at existing facilities. This deferral is consistent with Congressional intent to provide no-year funding for these projects and is taken under provisions of the Antideficiency Act (31 U.S.C. 655).

Estimated Effect: The amount deferred for the entire year could not be economically used, if made available in FY 1982, because of the planned phased procurement, construction and installation cycle.

Outlay Effect: This deferral action has no effect on FY 1982 outlays.

* Revised from previous report.

1/ This account was the subject of a deferral in FY 1981 (DS1-163) and was also the subject of another deferral in FY 1982 (DS2-152).

SUPPLEMENTARY REPORT
Report Pursuant to Section 1014(c) of
Public Law 93-344

This report updates Deferral No. D82-233, transmitted to the Congress on February 5, 1982.

This revision to a deferral of business loan and investment funds in the Small Business Administration increases the amount deferred from \$2,500,000 to \$5,000,000. This increase of \$2,500,000 is the result of additional funds provided by the Fourth Continuing Resolution making further appropriations for Fiscal Year 1982, and is consistent with the decision to limit guaranteed loans in this account for FY 1982 to \$2.7 billion, in keeping with efforts to reduce Federal credit intervention. The duration of the deferral has also been extended to the end of Fiscal Year 1982.

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Small Business Administration	New budget authority (P.L. 97-161)	\$325,000,000*
Bureau:	Other budgetary resources	693,329,354*
Appropriation title & symbol	Total budgetary resources	1,019,329,354*
Business Loan and Investment Fund 1/	Amount to be deferred:	\$
72X4154	Part of year	
	Entire year	5,000,000*
OMB identification code: 72-4154-0-3-375	Legal authority (in addition to sec. 1071b)	
Grant program	☐ Antideficiency Act	
Type of account or fund:	☐ Other	
☐ Annual	Type of budget authority:	
☐ Multiple-year	☒ Appropriation	
☒ No-year	☐ Contract authority	
(expiries date)	☐ Other	

Justification: The Continuing Resolution (P.L. 97-161) provided \$325 million in FY 1982 as a capital appropriation for the Business Loan and Investment Fund of the Small Business Administration (SBA). This amount would provide for guaranteed business loans at an annual level that is \$565 million higher than the \$2.7 billion level proposed by the President. These additional funds are not needed to provide an adequate credit assistance program for small businesses in FY 1982 and would undermine seriously the President's efforts to reduce Federal interference in U.S. credit markets. Accordingly, as part of the Administration's comprehensive plan to reduce Federal credit intervention, \$5 million will be deferred through the end of this year.

Estimated Effects: Since demand for credit assistance is currently at an annual rate of less than \$2 billion, this deferral will not adversely affect the small business community. Moreover, SBA is taking steps to target available credit assistance more effectively to deserving businesses.

Outlay Effects: This deferral action will reduce 1982 outlays by \$5 million and will reduce the need for budget authority in 1983.

1/ This account was the subject of a deferral in FY 1981 (D81-41A).

* Revised from previous report.

BILLING CODE 3110-01-C

Registered Federal Register

Monday
May 24, 1982

Part IV

Department of Transportation

Federal Aviation Administration

**Air Traffic Control System; Interim
Operation Plan**

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 91****[Docket No. 22050; SFAR No. 44-4]****Air Traffic Control System; Interim Operations Plan****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule; request for comments.

SUMMARY: This Special Federal Aviation Regulation (SFAR) sets forth the procedures for temporary allocation of the arrival slots previously allocated to Braniff Airways, Inc. ("Braniff slots"). This amendment provides for a random drawing to determine priority order for allocation of capacity at all airports within the contiguous United States at which Braniff had been allocated arrival slots. This amendment is necessary to assure the efficient utilization of the navigable airspace in light of the suspension of service by Braniff on May 12, 1982.

EFFECTIVE DATE: May 20, 1982.

Comments are invited on this SFAR until June 21, 1982, unless it is withdrawn at an earlier date.

ADDRESSES: Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 22050, 800 Independence Avenue, SW., Washington, D.C. 20591.

Comments may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT:

Edward P. Faberman, Deputy Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone: (202) 426-3773.

SUPPLEMENTARY INFORMATION:**Comments Invited**

Although this amendment is in the form of an emergency final rule which concerns the safe and efficient use of airspace throughout the United States and, thus, is not preceded by a notice of proposed rulemaking, comments are invited on this Special Federal Aviation Regulation until June 21, 1982.

The FAA invites comments on the procedures contained in this regulation. Comments are specifically invited on any aspects of the operation of the Air Traffic Control system under this amendment that suggest a need to modify the regulation, or which should

be considered should additional procedures be necessary. Comments received will be reviewed on a continuing basis and this amendment may be changed in the light of comments received. Commenters wishing the FAA to acknowledge receipt of their comments in response to this rule must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 22050." The postcard will be date/time stamped and returned to the commenter.

Background

On Wednesday, May 12, 1982, Braniff Airways, Inc., suspended its operations and filed bankruptcy papers under Chapter 11 of the Federal Bankruptcy Code. Braniff was allocated a significant number of arrival slots at a number of facilities within the contiguous United States. SFAR 44-3 (47 FR 7816; February 22, 1982) sets forth procedures for maintaining some limitations on air traffic services at various Air Traffic Control facilities. These limitations are applicable at 22 congested airports listed in SFAR 44-3 and at all Air Route Traffic Control Centers.

On May 14, 1982, the FAA issued a notice to all carriers advising them of the availability of Braniff slots and invited carriers to submit requests for these slots. The notice advised that for "emergency" reasons slots would be allocated on a temporary basis.

Under SFAR 44-3, air carriers submit requests for arrival slots at certain fixed times before each scheduling period. These requests are made after the carriers have been advised which new/additional slots are available for allocation. The FAA then conducts a random draw to determine priority for slot selection. Slots are then allocated in accordance with the carrier's individual priority. If a slot is not used during a scheduling period after slots have been allocated, it can be reallocated. This system is appropriate for allocation of a limited number of additional slots above those listed in the Appendix to the SFAR. When, however, the number of slots to be allocated is appreciably different from the number which the public was advised would be available, additional public notification is essential. This notification would enable air carriers to adjust their requests to reflect the additional capacity.

Braniff was allocated approximately 400 arrival slots, of which about 150 were at Dallas/Fort Worth Regional Airport (DFW). Approximately 50 of the slots at Dallas will not be reallocated in order to reduce air traffic delays that have developed in the Dallas area over

the past few months. These delays have increased controller workload and affected traffic systemwide.

Approximately 25 percent of the Braniff slots were allocated on an emergency basis to minimize the impact of Braniff's suspension on the travelling public. On the day of the suspension, there were thousands of passengers in the Dallas and Houston areas that may have had no other way to reach their destinations and did know if their Braniff tickets were valid. They could not plan International or long-distance hub connections. Additionally, calls to other carriers could only be responded to with "we don't know who will serve that airport." Accordingly, for longer distance connections to major interchange locations, emergency allocations were made by FAA under the following criteria: (a) All such allocations were temporary, good only for 7 days and cancellable on 24-hour notice; (b) service must be instituted in 48 hours; (c) participation by the carrier was voluntary and it could request later days or reject temporary authority to operate; and (d) emphasis was on those arrival slots which would enable continuation of long-haul and international service and at airports where Braniff was sole or dominant carrier. Delay in the allocation of these slots could have resulted in the disruption of transportation needs for large segments of the public. Such a disruption may have had a major disruption on the national transportation system and international routings. Therefore, in the public interest and in order to provide for efficient and safe air transportation, the FAA, after consultation with the Chairman, Civil Aeronautics Board, allocated a limited number of slots in consideration of the above. Only a minimal number were allocated to any individual carrier at any airport.

Braniff slots, either under this SFAR or on an emergency basis, are allocated on a temporary basis only. The slots are for up to a 60-day period. During that time, Braniff's Chapter 11 proceedings will be closely monitored. If Braniff does again operate, then the slots necessary for continued Braniff operations will be returned to Braniff. The carriers should be able to use these slots for 60 days, but all parties are put on notice that the award of these slots may be revoked upon 24-hour notice. Carriers should not apply for these slots unless they will be in a position to operate under these conditions. At no later than the end of that 60-day period, this temporary approval may be extended or a longer

term allocation procedure for the particular slots may be promulgated.

Carriers must be prepared to utilize slots allocated under this SFAR within 10 days after receipt of approval from API-1 or they will lose the slots.

All carriers are reminded that slots are temporary creations of FAA emergency regulations and do not confer on any carrier a long-term right. Slots can be taken away from any carrier in accordance with the terms of any applicable regulation.

Slots allocated under this SFAR are not subject to transfer or exchange, except in exchange for other Braniff slots. As to exchanges or transfers, they must comply with previously established procedures. All future schedule submissions made to the FAA shall separately identify these slots as temporary Braniff slots as identified by the designator "DS."

Allocation Procedure

Each air carrier seeking authority to operate, on a temporary basis, an arrival slot previously allocated to Braniff, must notify the Associate Administrator for Policy and International Aviation (API-1), Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, in writing, by Tuesday, May 25, 1982. The request shall be labeled as a request for Braniff slots designated by "DS," must be in the format prescribed in SFAR 44-3, and must be in the same hour as the Braniff slots. Carriers which have already submitted written requests for the Braniff slots need not submit new requests.

On Thursday, May 27, 1982, at 10:00 a.m., the FAA will hold a random draw for each airport at which time all carriers that have requested Braniff slots by 5:00 p.m. (EDT), on May 25, 1982, at that particular airport, will be included in the draw. All slots will be allocated in that draw, less the slots previously allocated on an emergency basis and the 50 slots at DFW that will not be awarded for air traffic control purposes.

The order in which capacity will be allocated to each carrier will be determined by random draw. If additional capacity still remains after each carrier has been allocated slots, the allocation sequence will be repeated based upon the order previously established by random draw. The allocating sequence will be repeated until all available or requested new/additional capacity is allocated at each airport.

Carriers submitting schedule requests shall rank their hourly requests in their order of preference for each airport. This preference list will be used in

connection with random draws. The allocation of slots by the FAA under the random draw system will reflect the carrier's hourly preferences at each of the airports. First preference will be awarded where available. When not available, the next available hourly preference will be allocated.

The number of slots that will be allocated to carriers will be limited in each allocation sequence.

At an airport with 10 or fewer available Braniff slots, no carrier will receive more than 2 slots each time it comes up in the allocation sequence if requested. If 11 to 30 Braniff slots are available at an airport, no carrier will receive more than 3 slots each time it comes up in the allocation sequence if requested. If 31 or more slots are available, no carrier will receive more than 4 slots each time it comes up in the allocation sequence if requested. If a carrier requests fewer slots than the maximum it can receive in any allocation round, it will be allocated only the number requested.

In order to assure consistency with the High Density Rule (14 CFR 93.121, et seq.), Washington National Airport shall be handled slightly different. Carriers requesting those temporary arrival slots at National shall also request a departure slot in the same hour as previous Braniff departure times. An equal number of departure slots will be awarded to each carrier for each arrival slot allocated. For purposes of allocation, Dallas/Ft. Worth and Love; Houston Intercontinental and Hobby; and O'Hare and Midway will be treated as single airports. A slot allocated may be utilized at either one of the airports.

All carriers which have submitted requests for slots by the deadline set forth above will be eligible for the random draw at every airport which it requested slots. Those slots already allocated on an emergency basis can be continued to be operated at the carrier's option up to a maximum of 60 days from the date of issuance of this SFAR as that carrier so chooses. The number of slots that a carrier will be eligible for will be reduced by the number of arrivals that carrier has received, at the particular airport, from the FAA since May 12, 1982, as part of the FAA's emergency allocation of Braniff slots. A carrier's eligibility for slots will not be reduced by an "emergency" slot for which that carrier states that it would be willing to relinquish for a slot available in the draw.

Within 60 days, a determination will be made as to the procedures for allocation of all Braniff slots.

The basic rules and orders necessary for operation under the Interim

Operations Plan will continue to be disseminated, in accordance with Section 91.100 of the Federal Aviation Regulations, by Notices to Airmen (NOTAM).

This SFAR does not change the procedures contained in SFAR 44-3 for the allocation of slots during the allocation periods set forth in that SFAR.

The continued operation of the National Air Traffic System in a safe and efficient manner requires the immediate adoption of this regulation in the public interest. Therefore, I find that further notice and public procedure thereon are impracticable and contrary to the public interest. I further find that good cause exists for making this regulation effective in less than 30 days after its publication in the Federal Register.

List of Subjects

Air traffic control.

Adoption of the Rule

Accordingly, Special Federal Aviation Regulation No. 44-4, is issued to read as follows, effective May 20, 1982 is issued and added to Part 91:

Special Federal Aviation Regulation No. 44-4

1. For arrival slots allocated to Braniff Airways, Inc. ("Braniff slots")—

(a) Each air carrier seeking authority for slots allocated to Braniff as of May 12, 1982, shall separately identify the specific arrival slot desired by airport and submit, in writing, a slot request to the Associate Administrator for Policy and International Aviation (API-1), 800 Independence Avenue, S.W., Washington, D.C. 20591; Telephone No.: (202) 426-3030; Telex No.: 892562 FAA WSH (for API-1); and ARINC No.: DCAYAXD (for API-1), by 5:00 p.m. (EDT), May 25, 1982. The flight requests shall be identified using the format prescribed in SFAR 44-3 and must be in the same hour as previous Braniff arrival times. The flight requests should be listed in order of priority. If additional capacity is available, then slots for these operations will be allocated. If capacity is not available for all such requests, then priority consideration will be given in accordance with the random draw procedures set forth below.

(b) On May 27, 1982, a random draw will be held for each of the airports (identified in the Attachment to this SFAR) at which Braniff has been allocated arrival slots. All arrival slots shall be put in that draw except for

those previously issued on an emergency basis and 50 at DFW.

(c) At an airport with 10 or fewer available Braniff slots, no carrier will receive more than 2 slots each time it comes up in the allocation sequence. If 11 to 30 slots are available at an airport, no carrier will receive more than 3 slots each time it comes up in the allocation sequence. If 31 or more slots are available, no carrier will receive more than 4 slots each time it comes up in the allocation sequence. In no event will a carrier receive more slots at any airport than it requested. The number of slots that a carrier will be eligible for will be reduced by the number of arrivals that carrier has received, at the particular airport, from the FAA since May 12, 1982, as part of the FAA's emergency allocation of Braniff slots. A carrier's eligibility for slots will not be reduced by an "emergency" slot for which that carrier states that it would be willing to relinquish for a slot available in the draw.

(d) Carriers requesting arrival slots at Washington National Airport shall also request departure slot(s) in the same hour(s) as previous Braniff departure time(s).

(e) For the purposes of slot allocation, O'Hare-Midway; DFW-Love; and Houston Intercontinental-Hobby shall be treated as a single airport. A slot allocated at one of these airports may be used at the other airport.

2. The slots allocated under this SFAR as well as those allocated on an emergency basis will be for a period of up to 60 days from May 20, 1982, and may be cancelled by the FAA at the end of that 60-day period or during that

period upon 24-hour notice. The temporary approval for these slots may be extended at the discretion of the Administrator.

3. All arrival slots allocated in accordance with this SFAR must be used within 10 days of written notification from API-1 or they will be returned to the FAA for reallocation.

4. No new/additional flight requests for changes will be accepted by the FAA in a submittal made in accordance with this SFAR.

5. No person shall operate an air carrier flight unless approval for the operation has been received in writing prior to the flight from API-1.

(Secs. 307 (a) and (c), 313(a), and 601(a), Federal Aviation Act of 1958, as amended (49 U.S.C. Sections 1348 (a) and (c), 1354(a), and 1421(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. Section 1655(c))

Note.—The FAA has determined that this rule is an emergency regulation under the provisions of Section 8 of Executive Order 12291 and the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is impracticable for the FAA to follow the procedures of Executive Order 12291 applicable to regulations not issued in response to emergency situations because the safety and efficiency of the national air transportation system and the public interest require immediate implementation of the rule. Voluntary compliance with this regulation is expected. If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the persons identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, D.C., on May 20, 1982.

J. Lynn Helms,
Administrator.

ATTACHMENT TO SFAR 44-4.—AVAILABLE
BRANIFF AIRPORT ARRIVAL SLOTS

Airport	Number
AMA Amarillo	4
AUS Austin	8
BNA Nashville	3
CRP Corpus Christi	3
DCA National	6
DEN Denver	6
DFW Dallas/Ft. Worth	157
DSM Des Moines	3
EWK Newark	3
FLL Ft. Lauderdale	2
HRL Harlingen	3
IAD Dulles	5
IAH Houston	20
ICT Wichita	4
JFK New York	1
LAS Las Vegas	6
LAX Los Angeles	6
LBB Lubbock	5
LGA LaGuardia	6
MAF Midland/Odessa	0
MCI Kansas City	25
MCO Orlando	2
MEM Memphis	3
MIA Miami	7
MSP Minneapolis/St. Paul	3
MSY New Orleans	9
OKC Oklahoma City	11
OMA Omaha, Nebraska	2
ORD O'Hare	1
PDX Portland, Oregon	2
PHL Philadelphia	3
RNO Reno	5
SAT San Antonio	16
SEA Seattle/Tacoma	5
SFO San Francisco	3
TPA Tampa	3
TUL Tulsa	5

¹ This number reflects the 50 slots deleted for air traffic control purposes.

[FR Doc. 82-14239 Filed 5-21-82; 11:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
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DOT/SLSDC			DOT/SLSDC	
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

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